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इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह पृथक संकलन के रूप में रखा जा सके
Separate Paging is given to this Part in order that it may be filed as a separate compilation

भाग II—खण्ड 3—उप-खण्ड (ii)
PART II—Section 3—Sub-section (ii)

भारत सरकार के मंत्रालयों (रक्षा मंत्रालय को छोड़कर) द्वारा जारी किए गए सांविधिक आदेश और अधिसूचनाएं
Statutory Orders and Notifications Issued by the Ministries of the Government of India
(Other than the Ministry of Defence)

विधि और न्याय मंत्रालय
(विधि कार्य विभाग)

नई दिल्ली, 5 नवम्बर, 2007

का.आ. 3345.—केन्द्रीय सरकार, दंड प्रक्रिया संहिता, 1973 (1974 का 2) की धारा 24 की उप-धारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, श्री शाहाजी आर. शिन्दे, अधिवक्ता को मुंबई उच्च न्यायालय में भारत संघ या केन्द्रीय सरकार के किसी विभाग या कार्यालय द्वारा या उसके विरुद्ध सभी दंडिक मामलों का, जिनके अंतर्गत दंडिक रिट याचिकाएं, दंडिक अपीलें, दंडिक पुनरीक्षण, दंडिक निर्देश और दंडिक आवेदन भी हैं, संचालन करने के प्रयोजन के लिए इस शर्त के आधीन रहते हुए कि श्री शाहाजी आर. शिन्दे, अपर लोक अभियोजक के रूप में अपनी नियुक्ति की अवधि के दौरान भारत संघ या केन्द्रीय सरकार के किसी विभाग या कार्यालय के विरुद्ध ऊपर निर्देशित किसी दंडिक मामले में मुंबई उच्च न्यायालय में उपसंज्ञात नहीं होंगे, तत्काल प्रभाव से तीन वर्ष की अवधि के लिए या अगले आदेश तक, इनमें से जो भी पूर्वतर हो, लोक अभियोजक के रूप में नियुक्त करती है।

[सं. एफ. 23(2)/2007—न्यायिक]

एम. ए. खान युसुफी, संयुक्त सचिव और सरकारी काउंसलर

MINISTRY OF LAW AND JUSTICE

(Department of Legal Affairs)

New Delhi, the 5th November, 2007

S.O. 3345.—In exercise of the powers conferred by sub-section (1) of Section 24 of the Code of Criminal Procedure, 1973 (2 of 1974), the Central Government hereby appoints of Shri Shahaji R. Shinde, Advocate as Additional Public Prosecutor for the purpose of conducting all criminal cases including criminal writ petitions, criminal appeals, criminal revisions, criminal references and criminal applications by or against the Union of India or any Department or Office of the Central Government, in the High Court of Judicature at Mumbai, with immediate effect for a period of three year or

untill further orders, whichever is earlier, subject to the condition that Shri Shahaji R. Shinde, Advocate shall not appear against the Union of India or any Department or Office of the Central Government in any criminal case referred to above in the High Court of Judicature at Mumbai during the period of his appointment.

[F.No. 23(2)/2007-Judl.]

M.A. KHAN YUSUFI, Jt. Secy. & GC.

नई दिल्ली, 16 नवम्बर, 2007

का.आ. 3346.—केन्द्रीय सरकार, दंड प्रक्रिया संहिता, 1973 (1974 का 2) की धारा 24 की उप-धारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, श्रीमती हिना पी. शाह, अधिवक्ता को मुंबई उच्च न्यायालय में भारत संघ या केन्द्रीय सरकार के किसी विभाग या कार्यालय द्वारा या उसके विरुद्ध सभी दंडिक मामलों का, जिनके अंतर्गत दंडिक रिट याचिकाएं, दंडिक अपीलें, दंडिक पुनरीक्षण, दंडिक निर्देश और दंडिक आवेदन भी हैं, संचालन करने के प्रयोजन के लिए इस शर्त के अधीन रहते हुए कि श्रीमती हिना पी. शाह, अपर लोक अभियोजक के रूप में अपनी नियुक्ति की अवधि के दौरान भारत संघ या केन्द्रीय सरकार के किसी विभाग या कार्यालय के विरुद्ध ऊपर निर्देशित किसी दंडिक मामले में मुंबई उच्च न्यायालय में उपसंज्ञात नहीं होंगे, तत्काल प्रभाव से दो वर्ष की अवधि के लिए या अगले आदेश तक, इनमें से जो भी पूर्वतर हो, लोक अभियोजक के रूप में नियुक्त करती है।

[सं. एफ. 23(2)/2007-न्यायिक]

एम. ए. खान युसुफी, संयुक्त सचिव और सरकारी काउंसिलर

New Delhi, the 16th November, 2007

S.O. 3346.—in exercise of the powers conferred by sub-section (1) of Section 24 of the Code of Criminal Procedure, 1973 (2 of 1974), the Central Government hereby appoints of Smt. Hina P. Shah, Advocate as Additional Public Prosecutor for the purpose of conducting all criminal cases including criminal writ petitions, criminal appeals, criminal revisions, criminal references and criminal applications by or against the Union of India or any Department or Office of the Central Government, in the High Court of Judicature at Mumbai, with immediate effect for a period of two years or until further orders, whichever is earlier, subject to the condition that Smt. Hina P. Shah, Advocate shall not appear against the Union of India or any Department or Office of the Central Government in any criminal case referred to above in the High Court of Judicature at Mumbai during the period of her appointment.

[F.No. 23(2)/2007-Judl.]

M.A. KHAN YUSUFI, Jt. Secy. & GC.

वित्त मंत्रालय

(राजस्व विभाग)

(केन्द्रीय प्रत्यक्ष कर बोर्ड)

नई दिल्ली, 5 नवम्बर, 2007

का.आ. 3347.—सर्वसाधारण की जानकारी के लिए एतद्वारा यह अधिसूचित किया जाता है कि केन्द्र सरकार द्वारा आयकर नियमावली, 1962 (उक्त नियमावली) के नियम 5ग और 5घ के साथ पठित आयकर अधिनियम, 1961 (उक्त अधिनियम) की धारा 35 की उप-धारा (1) के खंड (ii) के प्रयोजनार्थ दिनांक 1-4-2001 से संगठन सरदार पटेल रिन्यूएबल एनर्जी रिसर्च इंस्टीट्यूट, गुजरात को निम्नलिखित शर्तों के अधीन आंशिक रूप से अनुसंधान कार्यकलापों में लगी 'वैज्ञानिक अनुसंधान संघ' की श्रेणी में अनुमोदित किया गया है, अर्थात:—

(i) अनुमोदित 'वैज्ञानिक अनुसंधान संघ' का एक मात्र लक्ष्य वैज्ञानिक अनुसंधान को शुरू करने के लिए होगा;

(ii) अनुमोदित संगठन स्वयं वैज्ञानिक अनुसंधान कार्य कलाप शुरू करेगा;

(iii) अनुमोदित संगठन बही-खाता रखेगा तथा उक्त अधिनियम की धारा 288 की उप-धारा (2) के स्पष्टीकरण में यथा परिभाषित किसी लेखाकार से अपनी खाता-बही की लेखा परीक्षा कराएगा और उक्त अधिनियम की धारा 139 की उप-धारा (1) के अंतर्गत आय विवरणी प्रस्तुत करने की नियत तिथि तक ऐसे लेखाकार द्वारा विधिवत सत्यापित एवं हस्ताक्षरित लेखा परीक्षा रिपोर्ट मामले में क्षेत्राधिकार रखने वाले आयकर आयुक्त अथवा आयकर निदेशक को प्रस्तुत करेगा।

(iv) अनुमोदित संगठन वैज्ञानिक अनुसंधान के लिए प्राप्त दान तथा प्रयुक्त राशि का अलग विवरण रखेगा और उपर्युक्त लेखा परीक्षा रिपोर्ट के साथ लेखा परीक्षक द्वारा विधिवत सत्यापित ऐसे विवरण की प्रति प्रस्तुत करेगा।

2. केन्द्र सरकार यह अनुमोदन वापिस ले लेगी यदि अनुमोदित संगठन:—

(क) पैराग्राफ 1 के उप-पैराग्राफ (iii) में उल्लिखित लेखा बही नहीं रखेगा; अथवा

(ख) पैराग्राफ 1 के उप-पैराग्राफ (iii) में उल्लिखित अपनी लेखा परीक्षा रिपोर्ट प्रस्तुत नहीं करेगा; अथवा

(ग) पैराग्राफ 1 के उप-पैराग्राफ (iv) में उल्लिखित वैज्ञानिक अनुसंधान के लिए प्राप्त एवं प्रयुक्त दान का अपना विवरण प्रस्तुत नहीं करेगा; अथवा

- (घ) अपना अनुसंधान कार्य करना बंद कर देगा अथवा इसके अनुसंधान कार्य को जायज नहीं पाया जाएगा; अथवा
 (ङ.) उक्त नियमावली के नियम 5ग और 5घ के साथ पठित उक्त अधिनियम की धारा 35 की उप-धारा (1) के खंड (ii) के प्रावधानों के अनुरूप नहीं होगा तथा उनका पालन नहीं करेगा।

[अधिसूचना सं. 269/2007/फा. सं. 203/32/2004-आ.क.नि.-II]

रेनू जौहरी, निदेशक (आ. क. नि.-II)

MINISTRY OF FINANCE
(Department of Revenue)
CENTRAL BOARD OF DIRECT TAXES
 New Delhi, the 5th November, 2007

S.O. 3347.—It is hereby notified for general information that the organization **Sardar Patel Renewable Energy Research Institute, Gujarat** has been approved by the Central Government for the purpose of clause (ii) of sub-section (1) of Section 35 of the Income-tax Act, 1961 (said Act), read with rules 5C and 5D of the Income-tax Rules, 1962 (said Rules) with effect from 1-4-2001 in the category of 'Scientific research association' subject to the following conditions, namely :—

1. (i) The sole objective of the approved 'scientific research association' shall be to undertake scientific research;
 (ii) The approved organization shall carry on the scientific research activity by itself;
 (iii) The approved organization shall maintain books of accounts and get such books audited by an accountant as defined in the explanation to sub-section (2) of Section 288 of the said Act and furnish the report of such audit duly signed and verified by such accountant to the Commissioner of Income-tax or the Director of Income-tax having jurisdiction over the case, by the due date of furnishing the return of income under sub-section (1) of Section 139 of the said Act;
 (iv) The approved organization shall maintain a separate statement of donations received and amounts applied for scientific research and a copy of such statement duly certified by the auditor shall accompany the report of audit referred to above.
2. The Central Government shall withdraw the approval if the approved organization;-
 (a) fails to maintain books of accounts referred to in sub-paragraph (iii) of paragraph 1; or
 (b) fails to furnish its audit report referred to in sub-paragraph (iii) of paragraph 1; or
 (c) fails to furnish its statement of donations received and amounts applied for scientific research referred to in sub-paragraph (iv) of paragraph 1; or
 (d) ceases to carry on its research activities or its research activities are not found to be genuine; or
 (e) ceases to conform to and comply with the provisions of clause (ii) of sub-section (1) of Section 35 of the said Act read with rules 5C and 5D of the said Rules.

[Notification No. 269/2007/F.No. 203/32/2004/ITA-II]

RENU JAUHRI, Director (ITA-II)

नई दिल्ली, 5 नवम्बर, 2007

का.आ. 3348.—सर्वसाधारण की जानकारी के लिए एतद्वारा यह अधिसूचित किया जाता है कि केन्द्र सरकार द्वारा आयकर नियमावली, 1962 (उक्त नियमावली) के नियम 5ग और 5ङ. के साथ पठित आयकर अधिनियम, 1961 (उक्त अधिनियम) की धारा 35 की उप-धारा (1) के खंड (ii) के प्रयोजनार्थ दिनांक 1-4-2006 से संगठन बाबा जसवंत सिंह ट्रस्ट, नई दिल्ली को निम्नलिखित शर्तों के आधीन आंशिक रूप से अनुसंधान कार्यकलापों में लगे 'अन्य संस्था' की श्रेणी में अनुमोदित किया गया है, अर्थात्:-

1. (i) अनुमोदित संगठन को प्रदत्त राशि का उपयोग वैज्ञानिक अनुसंधान के लिए किया जाएगा ;
 (ii) अनुमोदित संगठन अपने संकाय सदस्यों अथवा अपने नामांकित छात्रों के माध्यम से वैज्ञानिक अनुसंधान करेगा;
 (iii) अनुमोदित संगठन बही-खाता रखेगा तथा उक्त अधिनियम की धारा 288 की उप-धारा (2) के स्पष्टीकरण में यथा परिभाषित किसी लेखाकार से अपनी खाता-बही की लेखा परीक्षा कराएगा और उक्त अधिनियम की धारा 139 की उप-धारा (1) के अंतर्गत आय विवरणी प्रस्तुत करने की नियत तिथि तक ऐसे लेखाकार द्वारा विधिवत सत्यापित एवं हस्ताक्षरित लेखा परीक्षा रिपोर्ट मामले में क्षेत्राधिकार रखने वाले आयकर आयुक्त अथवा आयकर निदेशक को प्रस्तुत करेगा।
 (iv) अनुमोदित संगठन वैज्ञानिक अनुसंधान के लिए प्राप्त दान तथा प्रयुक्त राशि का अलग विवरण रखेगा और उपर्युक्त लेखा परीक्षा रिपोर्ट के साथ लेखा परीक्षक द्वारा विधिवत सत्यापित ऐसे विवरण की प्रति प्रस्तुत करेगा।

2. केन्द्र सरकार यह अनुमोदन वापिस ले लेगी यदि अनुमोदित संगठन:-

(क) पैराग्राफ 1 के उप-पैराग्राफ (iii) में उल्लिखित लेखा बही नहीं रखेगा; अथवा

- (ख) पैराग्राफ 1 के उप-पैराग्राफ (iii) में उल्लिखित अपनी लेखा परीक्षा रिपोर्ट प्रस्तुत नहीं करेगा; अथवा
- (ग) पैराग्राफ 1 के उप-पैराग्राफ (iv) में उल्लिखित वैज्ञानिक अनुसंधान के लिए प्राप्त एवं प्रयुक्त दान का अपना विवरण प्रस्तुत नहीं करेगा; अथवा
- (घ) अपना अनुसंधान कार्य करना बंद कर देगा अथवा इसके अनुसंधान कार्य को जायज नहीं पाया जाएगा; अथवा
- (ङ.) उक्त नियमावली के नियम 5ग और 5ड. के साथ पठित उक्त अधिनियम की धारा 35 की उप-धारा (1) के खंड (ii) के प्रावधानों के अनुरूप नहीं होगा तथा उनका पालन नहीं करेगा।

[अधिसूचना सं. 268/2007/फा. सं. 203/82/2007-आ.क.नि.-II]

रेनू जौहरी, निदेशक (आ. क. नि.-II)

New Delhi, the 5th November, 2007

S.O. 3348.—It is hereby notified for general information that the organization **The Baba Jaswant Singh Trust, New Delhi** has been approved by the Central Government for the purpose of clause (ii) of sub-section (1) of Section 35 of the Income-tax Act, 1961 (said Act), read with rules 5C and 5E of the Income-tax Rules, 1962 (said Rules), with effect from **1-4-2006** in the category of 'other institution', partly engaged in research activities subject to the following conditions, namely:—

1. (i) The sums paid to the approved organization shall be utilized for scientific research;
- (ii) The approved organization shall carry out scientific research through its faculty members or its enrolled students;
- (iii) The approved organization shall maintain books of account and get such books audited by an accountant as defined in the explanation to sub-section (2) of Section 288 of the said Act and furnish the report of such audit duly signed and verified by such accountant to the Commissioner of Income-tax or the Director of Income-tax having jurisdiction over the case, by the due date of furnishing the return of income under sub-section (1) of Section 139 of the said Act;
- (iv) The approved organization shall maintain a separate statement of donations received and amounts applied for scientific research and a copy of such statement duly certified by the auditor shall accompany the report of audit referred to above.
2. The Central Government shall withdraw the approval if the approved organization:—
 - (a) fails to maintain books of account referred to in sub-paragraph (iii) of paragraph 1; or
 - (b) fails to furnish its audit report referred to in sub-paragraph (iii) of paragraph 1; or
 - (c) fails to furnish its statement of donations received and sums applied for scientific research referred to in sub-paragraph (iv) of paragraph 1; or
 - (d) ceases to carry on its research activities or its research activities are not found to be genuine; or
 - (e) ceases to conform to and comply with the provisions of clause (ii) of sub-section (1) of Section 35 of the said Act read with rules 5C and 5E of the said Rules.

[Notification No. 268/2007/F. No. 203/82/2007/ITA-II]

RENU JAUHRI, Director (ITA-II)

नई दिल्ली, 5 नवम्बर, 2007

का.आ. 3349.—सर्वसाधारण की जानकारी के लिए एतद्द्वारा यह अधिसूचित किया जाता है कि केन्द्र सरकार द्वारा आयकर नियमावली, 1962 (उक्त नियमावली) के नियम 5ग और 5ड. के साथ पठित आयकर अधिनियम, 1961 (उक्त अधिनियम) की धारा 35 की उपधारा (1) के खंड (ii) के प्रयोजनार्थ दिनांक 1-4-2007 से संगठन इन्स्टीट्यूट आफ पुलमोकेयर एंड रिसर्च, कोलकाता को निम्नलिखित शर्तों के आधीन आंशिक रूप से अनुसंधान कार्यकलापों में लगी 'अन्य संस्था' की श्रेणी में अनुमोदित किया गया है, अर्थात्:—

1. (i) अनुमोदित संगठन को प्रदत्त राशि का उपयोग वैज्ञानिक अनुसंधान 'संघ' के लिए किया जाएगा;
- (ii) अनुमोदित संगठन अपने संकाय सदस्यों अथवा अपने नामांकित छात्रों के माध्यम से वैज्ञानिक अनुसंधान करेगा;
- (iii) अनुमोदित संगठन बही-खाता रखेगा तथा उक्त अधिनियम की धारा 288 की उप-धारा (2) के स्पष्टीकरण में यथा परिभाषित किसी लेखाकार से अपनी खाता-बही की लेखा परीक्षा कराएगा और उक्त अधिनियम की धारा 139 की उप-धारा (1) के अंतर्गत आय विवरणी प्रस्तुत करने की नियत तिथि तक ऐसे लेखाकार द्वारा विधिवत् सत्यापित एवं हस्ताक्षरित लेखा परीक्षा रिपोर्ट मामले में क्षेत्राधिकार रखने वाले आयकर आयुक्त अथवा आयकर निदेशक को प्रस्तुत करेगा।
- (iv) अनुमोदित संगठन वैज्ञानिक अनुसंधान के लिए प्राप्त दान तथा प्रयुक्त राशि का अलग विवरण रखेगा और उपर्युक्त लेखा परीक्षा रिपोर्ट के साथ लेखा परीक्षक द्वारा विधिवत् सत्यापित ऐसे विवरण की प्रति प्रस्तुत करेगा।

2. केन्द्र सरकार यह अनुमोदन वापिस ले लेगी यदि अनुमोदित संगठन :-

- (क) पैराग्राफ 1 के उप-पैराग्राफ (iii) में उल्लिखित लेखा बही नहीं रखेगा; अथवा
- (ख) पैराग्राफ 1 के उप-पैराग्राफ (iii) में उल्लिखित अपनी लेखा परीक्षा रिपोर्ट प्रस्तुत नहीं करेगा; अथवा
- (ग) पैराग्राफ 1 के उप-पैराग्राफ (iv) में उल्लिखित वैज्ञानिक अनुसंधान के लिए प्राप्त एवं प्रयुक्त दान का अपना विवरण प्रस्तुत नहीं करेगा; अथवा
- (घ) अपना अनुसंधान कार्य करना बंद कर देगा अथवा इसके अनुसंधान कार्य को जायज नहीं पाया जाएगा; अथवा
- (ङ) उक्त नियमावली के नियम 5ग और 5ङ के साथ पठित उक्त अधिनियम की धारा 35 की उप-धारा (1) के खंड (ii) के प्रावधानों के अनुरूप नहीं होगा तथा उनका पालन नहीं करेगा।

रेनू जौहरी, निदेशक (आ. क. नि.-II)

[अधिसूचना सं. 267/2007/फा. सं. 203/26/2007-आ.क.नि.-II]

New Delhi, the 5th November, 2007

S.O. 3349.—It is hereby notified for general information that the organization Institute of Pulmocare and Research, Kolkata has been approved by the Central Government for the purpose of clause (ii) of sub-section (1) of Section 35 of the Income-tax Act, 1961 (said Act), read with Rules 5C and 5E of the Income-tax Rules, 1962 (said Rules) with effect from 1-4-2007 in the category of 'other institution', partly engaged in research activities subject to the following conditions, namely :—

- (i) The sums paid to the approved organization shall be utilized for scientific research;
- (ii) The approved organization shall carry out scientific research through its faculty members or its enrolled students;
- (iii) The approved organization shall maintain books of accounts and get such books audited by an accountant as defined in the explanation to sub-section (2) of Section 288 of the said Act and furnish the report of such audit duly signed and verified by such accountant to the Commissioner of Income-tax or the Director of Income-tax having jurisdiction over the case, by the due date of furnishing the return of income under sub-section (1) of Section 139 of the said Act ;
- (iv) The approved organization shall maintain a separate statement of donations received and amounts applied for scientific research and a copy of such statement duly certified by the auditor shall accompany the report of audit referred to above.

2. The Central Government shall withdraw the approval if the approved organization :—

- (a) fails to maintain books of accounts referred to in sub-paragraph (iii) of paragraph 1; or
- (b) fails to furnish its audit report referred to in sub-paragraph (iii) of paragraph 1; or
- (c) fails to furnish its statement of the donations received and sums applied for scientific research referred to in sub-paragraph (iv) of paragraph 1; or
- (d) ceases to carry on its research activities or its research activities are not found to be genuine; or
- (e) ceases to conform to and comply with the provisions of clause (ii) of sub-section (1) of Section 35 of the said Act read with rules 5C and 5E of the said Rules.

[Notification No. 267/2007/F. No. 203/26/2007/ITA-II]

RENU JAUHRI, Director (ITA-II)

नई दिल्ली, 13 नवम्बर, 2007

का.आ. 3350.—सर्वसाधारण की जानकारी के लिए एतद्वारा यह अधिसूचित किया जाता है कि केन्द्र सरकार द्वारा आयकर नियमावली, 1962 (उक्त नियमावली) के नियम 5ग और 5ङ के साथ पठित आयकर अधिनियम, 1961 (उक्त अधिनियम) की धारा 35 की उप-धारा (1) के खंड (ii) के प्रयोजनार्थ दिनांक 1-4-2003 से संगठन इंडियन रजिस्टर ऑफ शिपिंग, मुम्बई को निम्नलिखित शर्तों के अधीन आंशिक रूप से अनुसंधान कार्याकलापों में लगी अन्य संस्था की श्रेणी में अनुमोदित किया गया है, अर्थात् :-

- (i) अनुमोदित संगठन को प्रदत्त राशि का उपयोग सामाजिक विज्ञानों में अनुसंधान के लिए किया जाएगा ;
- (ii) अनुमोदित संगठन अपने संकाय सदस्यों अथवा अपने नामांकित छात्रों के माध्यम से सामाजिक विज्ञान अथवा सांख्यिकीय अनुसंधान में अनुसंधान करेगा ;
- (iii) अनुमोदित संगठन बही-खाता रखेगा तथा उक्त अधिनियम की धारा 288 की उप-धारा (2) के स्पष्टीकरण में यथा परिभाषित किसी लेखाकार से अपनी खाता-बही की लेखा परीक्षा कराएगा और उक्त अधिनियम की धारा 139 की उप-धारा (1) के अंतर्गत

आय विवरणी प्रस्तुत करने की नियत तिथि तक ऐसे लेखाकार द्वारा विधिवत् सत्यापित एवं हस्ताक्षरित लेखा परीक्षा रिपोर्ट मामले में क्षेत्राधिकार रखने वाले आयकर आयुक्त अथवा आयकर निदेशक को प्रस्तुत करेगा।

- (iv) अनुमोदित संगठन वैज्ञानिक अनुसंधान के लिए प्राप्त दान तथा प्रयुक्त राशि का अलग विवरण रखेगा और उपर्युक्त लेखा परीक्षा रिपोर्ट के साथ लेखा परीक्षक द्वारा विधिवत् सत्यापित ऐसे विवरण की प्रति प्रस्तुत करेगा।

2. केन्द्र सरकार यह अनुमोदन वापिस ले लेगी यदि अनुमोदित संगठन :—

- (क) पैराग्राफ 1 के उप-पैराग्राफ (iii) में उल्लिखित लेखा बही नहीं रखेगा; अथवा
- (ख) पैराग्राफ 1 के उप-पैराग्राफ (iii) में उल्लिखित अपनी लेखा परीक्षा रिपोर्ट प्रस्तुत नहीं करेगा; अथवा
- (ग) पैराग्राफ 1 के उप-पैराग्राफ (iv) में उल्लिखित वैज्ञानिक अनुसंधान के लिए प्राप्त एवं प्रयुक्त दान का अपना विवरण प्रस्तुत नहीं करेगा; अथवा
- (घ) अपना अनुसंधान कार्य करना बंद कर देगा अथवा इसके अनुसंधान कार्य को जायज नहीं पाया जाएगा; अथवा
- (ङ) उक्त नियमावली के नियम 5ग और 5ड के साथ पठित उक्त अधिनियम की धारा 35 की उप-धारा (1) के खंड (ii) के प्रावधानों के अनुरूप नहीं होगा तथा उनका पालन नहीं करेगा।

[अधिसूचना सं. 273/2007/फा. सं. 203/19/2005-आ.क.नि.-II]

सुरेन्द्र पाल, अवर सचिव

New Delhi, the 13th November, 2007

S.O. 3350.—It is hereby notified for general information that the organization Indian Register of Shipping, Mumbai has been approved by the Central Government for the purpose of clause (ii) of sub-section (1) of Section 35 of the Income-tax Act, 1961 (said Act), read with rules 5C and 5E of the Income-tax Rules, 1962 (said Rules) with effect from 1-4-2003 in the category of 'other institution', partly engaged in research activities subject to the following conditions, namely :—

- (i) The sums paid to the approved organization shall be utilized for scientific research;
- (ii) The approved organization shall carry out scientific research through its faculty members or its enrolled students;
- (iii) The approved organization shall maintain books of accounts and get such books audited by an accountant as defined in the explanation to sub-section (2) of Section 288 of the said Act and furnish the report of such audit duly signed and verified by such accountant to the Commissioner of Income-tax or the Director of Income-tax having jurisdiction over the case, by the due date of furnishing the return of income under sub-section (1) of Section 139 of the said Act;
- (iv) The approved organization shall maintain a separate statement of donations received and amounts applied for scientific research and a copy of such statement duly certified by the auditor shall accompany the report of audit referred to above.

2. The Central Government shall withdraw the approval if the approved organization :—

- (a) fails to maintain books of accounts referred to in sub-paragraph (iii) of paragraph 1; or
- (b) fails to furnish its audit report referred to in sub-paragraph (iii) of paragraph 1; or
- (c) fails to furnish its statement of donations received and sums applied for scientific research referred to in sub-paragraph (iv) of paragraph 1; or
- (d) ceases to carry on its research activities or its research activities are not found to be genuine; or
- (e) ceases to conform to and comply with the provisions of clause (ii) of sub-section (1) of Section 35 of the said Act read with rules 5C and 5E of the said Rules.

[Notification No. 273/2007/F. No. 203/19/2005/ITA-II]

SURENDER PAL, Under Secy.

नई दिल्ली, 16 नवम्बर, 2007

का.आ. 3351.—सर्वसाधारण की जानकारी के लिए एतद्वारा यह अधिसूचित किया जाता है कि केन्द्र सरकार द्वारा आयकर नियमावली, 1962 (उक्त नियमावली) के नियम 5 ग और 5 घ के साथ पठित आयकर अधिनियम, 1961 (उक्त अधिनियम) की धारा 35 की उप-धारा (1) के खंड (ii) के प्रयोजनार्थ दिनांक 1-4-2004 से संगठन नेशनल इंस्टीट्यूट ऑफ इम्यूनोलॉजी, नई दिल्ली को निम्नलिखित शर्तों के अधीन आंशिक रूप से अनुसंधान कार्याकलापों में लगी 'अन्य संस्था' की श्रेणी में अनुमोदित किया गया है, अर्थात् :-

- (i) अनुमोदित 'वैज्ञानिक अनुसंधान संघ' का एक मात्र लक्ष्य वैज्ञानिक अनुसंधान को शुरू करने के लिए होगा;
 - (ii) अनुमोदित संगठन स्वयं वैज्ञानिक अनुसंधान कार्याकलाप शुरू करेगा;
 - (iii) अनुमोदित संगठन बही-खाता रखेगा तथा उक्त अधिनियम की धारा 288 की उप-धारा (2) के स्पष्टीकरण में यथा परिभाषित किसी लेखाकार से अपनी खाता-बही की लेखा परीक्षा कराएगा और उक्त अधिनियम की धारा 139 की उप-धारा (1) के अंतर्गत आय विवरणी प्रस्तुत करने की नियत तिथि तक ऐसे लेखाकार द्वारा विधिवत सत्यापित एवं हस्ताक्षरित लेखा परीक्षा रिपोर्ट मामले में क्षेत्राधिकार रखने वाले आयकर आयुक्त अथवा आयकर निदेशक को प्रस्तुत करेगा।
 - (iv) अनुमोदित संगठन वैज्ञानिक अनुसंधान के लिए प्राप्त दान तथा प्रयुक्त राशि का अलग विवरण रखेगा और उपर्युक्त लेखा परीक्षा रिपोर्ट के साथ लेखा परीक्षक द्वारा विधिवत सत्यापित ऐसे विवरण की प्रति प्रस्तुत करेगा।
2. केन्द्र सरकार यह अनुमोदन वापिस ले लेगी यदि अनुमोदित संगठन :-
- (क) पैराग्राफ 1 के उप-पैराग्राफ (iii) में उल्लिखित लेखा बही नहीं रखेगा; अथवा
 - (ख) पैराग्राफ 1 के उप-पैराग्राफ (iii) में उल्लिखित अपनी लेखा परीक्षा रिपोर्ट प्रस्तुत नहीं करेगा; अथवा
 - (ग) पैराग्राफ 1 के उप-पैराग्राफ (iv) में उल्लिखित वैज्ञानिक अनुसंधान के लिए प्राप्त एवं प्रयुक्त दान का अपना विवरण प्रस्तुत नहीं करेगा; अथवा
 - (घ) अपना अनुसंधान कार्य करना बंद कर देगा अथवा इसके अनुसंधान कार्य को जायज नहीं पाया जाएगा; अथवा
 - (ङ) उक्त नियमावली के नियम 5 ग और 5 ड के साथ पठित उक्त अधिनियम की धारा 35 की उप-धारा (1) के खंड (ii) के प्रावधानों के अनुरूप नहीं होगा तथा उनका पालन नहीं करेगा।

[अधिसूचना सं. 275/2007/फा. सं. 203/33/2006-आ.क.नि.-II]

सुरेन्द्र पाल, अवर सचिव

New Delhi, the 16th November, 2007

S.O. 3351.—It is hereby notified for general information that the organization National Institute of Immunology, New Delhi has been approved by the Central Government for the purpose of clause (ii) of sub-section (1) of Section 35 of the Income-tax Act, 1961 (said Act), read with rules 5C and 5E of the Income-tax Rules, 1962 (said Rules) with effect from 1-4-2004 in the category of 'other institution', partly engaged in research activities subject to the following conditions, namely :—

- (i) The sums paid to the approved organization shall be utilized for scientific research;
 - (ii) The approved organization shall carry out scientific research through its faculty members or its enrolled students;
 - (iii) The approved organization shall maintain books of accounts and get such books audited by an accountant as defined in the explanation to sub-section (2) of Section 288 of the said Act and furnish the report of such audit duly signed and verified by such accountant to the Commissioner of Income-tax or the Director of Income-tax having jurisdiction over the case, by the due date of furnishing the return of income under sub-section (1) of Section 139 of the said Act;
 - (iv) The approved organization shall maintain a separate statement of donations received and amounts applied for scientific research and a copy of such statement duly certified by the auditor shall accompany the report of audit referred to above.
2. The Central Government shall withdraw the approval if the approved organization :—
- (a) fails to maintain books of accounts referred to in sub-paragraph (iii) of paragraph 1; or
 - (b) fails to furnish its audit report referred to in sub-paragraph (iii) of paragraph 1; or
 - (c) fails to furnish its statement of donations received and sums applied for scientific research referred to in sub-paragraph (iv) of paragraph 1; or
 - (d) ceases to carry on its research activities or its research activities are not found to be genuine; or
 - (e) ceases to conform to and comply with the provisions of clause (ii) of sub-section (1) of Section 35 of the said Act read with rules 5C and 5E of the said Rules.

[Notification No. 275/2007/F. No. 203/33/2006/ITA-II]

SURENDER PAL, Under Secy.

नई दिल्ली, 16 नवम्बर, 2007

का.आ. 3352.—सर्वसाधारण की जानकारी के लिए एतद्द्वारा यह अधिसूचित किया जाता है कि केन्द्र सरकार द्वारा आयकर नियमावली, 1962 (उक्त नियमावली) के नियम 5ग और 5ड. के साथ पठित आयकर अधिनियम, 1961 (उक्त अधिनियम) की धारा 35 की उप-धारा (1) के खंड (ii) के प्रयोजनार्थ दिनांक 1-4-2002 से संगठन साउथ इंडिया टेक्स्टाइल रिसर्च एसोसिएशन, कोयम्बतूर को निम्नलिखित शर्तों के अधीन आंशिक रूप से अनुसंधान कार्यकलापों में लगी 'वैज्ञानिक अनुसंधान संघ' की श्रेणी में अनुमोदित किया गया है, अर्थात:-

- (i) अनुमोदित संगठन को प्रदत्त राशि का उपयोग वैज्ञानिक अनुसंधान के लिए किया जाएगा ;
- (ii) अनुमोदित संगठन अपने संकाय सदस्यों अथवा अपने नामांकित छात्रों के माध्यम से वैज्ञानिक अनुसंधान करेगा;
- (iii) अनुमोदित संगठन बही-खाता रखेगा तथा उक्त अधिनियम की धारा 288 की उप-धारा (2) के स्पष्टीकरण में यथा परिभाषित किसी लेखाकर से अपनी खाता-बही की लेखा परीक्षा कराएगा और उक्त अधिनियम की धारा 139 की उप-धारा (1) के अंतर्गत आय विवरणी प्रस्तुत करने की नियत तिथि तक ऐसे लेखाकार द्वारा विधिवत सत्यापित एवं हस्ताक्षरित लेखा परीक्षा रिपोर्ट मामले में क्षेत्राधिकार रखने वाले आयकर आयुक्त अथवा आयकर निदेशक को प्रस्तुत करेगा;
- (iv) अनुमोदित संगठन वैज्ञानिक अनुसंधान के लिए प्राप्त दान तथा प्रयुक्त राशि का अलग विवरण रखेगा और उपर्युक्त लेखा परीक्षा रिपोर्ट के साथ लेखा परीक्षक द्वारा विधिवत सत्यापित ऐसे विवरण की प्रति प्रस्तुत करेगा।

2. केन्द्र सरकार यह अनुमोदन वापिस ले लेगी यदि अनुमोदित संगठन:-

- (क) पैराग्राफ 1 के उप-पैराग्राफ (iii) में उल्लिखित लेखा बही नहीं रखेगा; अथवा
- (ख) पैराग्राफ 1 के उप-पैराग्राफ (iii) में उल्लिखित अपनी लेखा परीक्षा रिपोर्ट प्रस्तुत नहीं करेगा; अथवा
- (ग) पैराग्राफ 1 के उप-पैराग्राफ (iv) में उल्लिखित वैज्ञानिक अनुसंधान के लिए प्राप्त एवं प्रयुक्त दान का अपना विवरण प्रस्तुत नहीं करेगा; अथवा
- (घ) अपना अनुसंधान कार्य करना बंद कर देगा अथवा इसके अनुसंधान कार्य को जायज नहीं पाया जाएगा; अथवा
- (ड.) उक्त नियमावली के नियम 5ग और 5ड. के साथ पठित उक्त अधिनियम की धारा 35 की उप-धारा (1) के खंड (ii) के प्रावधानों के अनुरूप नहीं होगा तथा उनका पालन नहीं करेगा।

[अधिसूचना सं. 274/2007/फा. सं. 203/43/2006-आ.क.नि.-II]

सुरेन्द्र पाल, अवर सचिव

New Delhi, the 16th November, 2007

S.O. 3352.—It is hereby notified for general information that the organization The South India Textile Research Association, Coimbatore has been approved by the Central Government for the purpose of clause (ii) of sub-section (1) of Section 35 of the Income-tax Act, 1961 (said Act), read with rules 5C and 5D of the Income-tax Rules, 1962 (said Rules) with effect from 1-4-2002 in the category of 'scientific research association' subject to the following conditions, namely :—

- (i) The sole objective of the approved 'scientific research association' shall be to undertake scientific research;
 - (ii) The approved organization shall carry on the scientific research activity by itself ;
 - (iii) The approved organization shall maintain books of accounts and get such books audited by an accountant as defined in the explanation to sub-section (2) of Section 288 of the said Act and furnish the report of such audit duly signed and verified by such accountant to the Commissioner of Income-tax or the Director of Income-tax having jurisdiction over the case, by the due date of furnishing the return of income under sub-section (1) of Section 139 of the said Act;
 - (iv) The approved organization shall maintain a separate statement of donations received and amounts applied for scientific research and a copy of such statement duly certified by the auditor shall accompany the report of audit referred to above.
2. The Central Government shall withdraw the approval if the approved organization :—
- (a) fails to maintain books of accounts referred to in sub-paragraph (iii) of paragraph 1; or
 - (b) fails to furnish its audit report referred to in sub-paragraph (iii) of paragraph 1; or
 - (c) fails to furnish its statement of donations received and amounts applied for scientific research referred to in sub-paragraph (iv) of paragraph 1; or
 - (d) ceases to carry on its research activities or its research activities are not found to be genuine; or
 - (e) ceases to conform to and comply with the provisions of clause (ii) of sub-section (1) of Section 35 of the said Act read with rules 5C and 5D of the said Rules.

[Notification No. 274/2007/F. No. 203/43/2006/ITA-II]

SURENDER PAL, Under Secy.

(व्यय विभाग)

महालेखा नियंत्रक कार्यालय

नई दिल्ली, 15 नवंबर, 2007

का.आ. 3353.—इस कार्यालय की दिनांक 12-10-2007 की अधिसूचना सं. ए-28015/2007/एमएफसीजीए/आरटीआई/प्रशा./886 के आंशिक अधिकरण में महालेखा नियंत्रक ने महालेखा नियंत्रक कार्यालय के संबंध में सूचना का अधिकार अधिनियम, 2005 के प्रयोजन के लिए श्रीमति रेनु सी. देशपाण्डे, उप महालेखा नियंत्रक को केंद्रीय सार्वजनिक सूचना अधिकारी के रूप में पदनामित किया है। श्रीमति सोनाली सिंह, संयुक्त महालेखा नियंत्रक, अपोलीय प्राधिकारी ही रहेंगी।

श्रीमति रेनु सी. देशपाण्डे, केंद्रीय सार्वजनिक सूचना अधिकारी के कार्यालय और निवास का पता इस प्रकार है :—

श्रीमति रेनु सी. देशपाण्डे, उप महालेखा नियंत्रक

कार्यालय पता :

वित्त मंत्रालय, व्यय विभाग,
महालेखा नियंत्रक,
7वां तल, लोकनायक भवन,
खान मार्केट, नई दिल्ली-110003
दूरभाष सं. 24624614 फ़ैक्स सं. 24624614

आवासीय पता :

डब्ल्यू-18, हुडको प्लेस एक्सटेंशन,
एन्ड्रयुज गंज,
नई दिल्ली।
दूरभाष सं. 26253273

[सं. ए-28015/2007/एमएफसीजीए/आरटीआई/प्रशा.]

अरुण शर्मा, सहायक महालेखा नियंत्रक

(Department of Expenditure)

OFFICE OF CONTROLLER GENERAL OF
ACCOUNTS

New Delhi, the 15th November, 2007

S.O. 3353.—In partial supersession of this office Notification No. A-28015/2007/MFCGA/RTI/Admn. 887 dated 12-10-2007, Controller General of Accounts has designated Smt. Renu C. Deshpande, Dy. Controller General of Accounts as the Central Public Information Officer (CPIO) for the purpose of Right to Information Act, 2005 in respect of the Office of Controller General of Accounts. Smt. Sonali Singh, Jt. Controller General of Accounts will continue to be the Appellate Authority.

The office and residential address of Smt. C. Deshpande, CPIO is as under :—

Smt. Renu C. Deshpande, Dy. Controller General of
Accounts

Office Address :—

Ministry of Finance
Department of Expenditure
Controller General of Accounts
7th Floor, Lok Nayak Bhawan
Khan Market, New Delhi-110003
Tel. No. 24624614 Fax No. 24624614

Residential Address :—

W-18, HUDCO Palace Extension,
Andrews Ganj,
New Delhi.
Tel. No. 26253273

[No. A-28015/2007/MFCGA/RTI/Admn.]

ARUN SHARMA, Asstt. Controller
General of Accounts

सूचना और प्रसारण मंत्रालय

नई दिल्ली, 5 नवंबर, 2007

का.आ. 3354.—इस मंत्रालय की दिनांक 6 अगस्त, 2007 की समसंख्यक अधिसूचना के अनुक्रम में और चलचित्र (प्रमाणन) नियमावली, 1983 के नियम 7 और 8 के साथ पठित चलचित्र अधिनियम, 1952 (1952 का 37) की धारा 5 की उप-धारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केंद्र सरकार तत्काल प्रभाव से दो वर्षों की अवधि के लिए या अगले आदेशों तक, जो भी पहले हो, केंद्रीय फिल्म प्रमाणन बोर्ड के मुम्बई सलाहकार पैनल के सदस्य के रूप में निम्नलिखित व्यक्तियों को नियुक्त करती है :—

- (1) श्री अशोक शेवडे,
19, मुक्तिधाम, सुयोग मंगल कार्यालय के निकट
तिलक रोड, डोम्बिविली (पू.), जिला थाने, महाराष्ट्र।
- (2) श्री सोपान नागोराव काम्बली,
शिमला नगर, डी एक्स-365, नेपियन सी रोड, मालाबार हिल,
मुम्बई-400036।
- (3) श्री मनोज प्रभाकर वाडेकर,
बी-1/701, स्वास्तिक पार्क, आजाद नगर, घोडबुंदर रोड,
थाने (प)-400607।

[फ़ा.सं. 809/4/2007-एफ(सी)]

संगीता सिंह, निदेशक (फिल्म)

MINISTRY OF INFORMATION AND
BROADCASTING

New Delhi, the 5th November, 2007

S.O. 3354.—In continuation of this Ministry's Notification of even number dated 6th August, 2007 and in exercise of the powers conferred by sub-section (1) of Section 5 of the Cinematograph Act, 1952 (37 of 1952) read with rules 7 and 8 of the Cinematograph (Certification) Rules, 1983 the Central Government is pleased to appoint the following persons as members of the Mumbai advisory panel of the Central Board of Film Certification with immediate effect for a period of two years or until further orders, whichever is earlier :—

- (1) Shri Ashok Shevde,
19, Muktidham, Near Suyog Mangal Karyalaya,
Tilak Road, Dombivli (E), Distt. Thane, Maharashtra.

- (2) Shri Sopan Nagorao Kamble,
Simla Nagar, DX-365, Nepean Sea Road,
Malabar Hill, Mumbai-400036
- (3) Shri Manoj Prabhakar Wadekar
B-1/701, Swastik Park, Azad Nagar,
Ghodbundar Road, Thane (W)-400 607.

[F.No. 809/4/2007-F(C)]

SANGEETASINGH, Director (Films)

नई दिल्ली, 6 नवंबर, 2007

का.आ. 3355.—इस मंत्रालय की दिनांक 6 अगस्त, 2007 की समसंख्यक अधिसूचना के अनुक्रम में और चलचित्र (प्रमाणन) नियम, 1983 के नियम 7 तथा 8 के साथ पठित चलचित्र अधिनियम, 1952 (1952 का 37) की धारा 5 की उप-धारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केंद्र सरकार निम्नलिखित व्यक्तियों को तत्काल प्रभाव से दो वर्षों की अवधि के लिए अथवा अगले आदेशों तक, जो भी पहले हो, केंद्रीय फिल्म प्रमाणन बोर्ड के मुंबई सलाहकार पैनल के सदस्य के रूप में श्री जमीरखान जे. पठान, 125, रंग अवधूत सोसायटी, रामनगर चार रास्ता के निकट, रंदेश रोड, सूरत, गुजरात को नियुक्त करती है।

[फा. सं. 809/4/2007-एफ(सी)]

संगीता सिंह, निदेशक (फिल्म)

New Delhi, the 6th November, 2007

S.O. 3355.—In continuation of this Ministry's Notification of even number dated 6th August, 2007 and in exercise of the powers conferred by sub-section (1) of Section 5 of the Cinematograph Act, 1952 (37 of 1952) read with rules 7 and 8 of the Cinematograph (Certification) Rules, 1983 the Central Government is pleased to appoint Shri Zameer Khan J. Pathan, 125, Rang Avdhut Society, Near Ramnagar Char Rasta, Rander Road, Surat, Gujarat as member of the Mumbai advisory panel of the Central Board of Film Certification with immediate effect for a period of two years or until further orders, whichever is earlier.

[F.No. 809/4/2007-F(C)]

SANGEETASINGH, Director (Films)

नई दिल्ली, 6 नवंबर, 2007

का.आ. 3356.—इस मंत्रालय की दिनांक 31 मई, 2007 की समसंख्यक अधिसूचना के अनुक्रम में और चलचित्र (प्रमाणन) नियम, 1983 के नियम 7 तथा 8 के साथ पठित चलचित्र अधिनियम, 1952 (1952 का 37) की धारा 5 की उप-धारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केंद्र सरकार निम्नलिखित व्यक्तियों को तत्काल प्रभाव से दो वर्षों की अवधि के लिए अथवा अगले आदेशों तक, जो भी पहले हो, केंद्रीय फिल्म प्रमाणन बोर्ड के हैदराबाद सलाहकार पैनल के सदस्यों के रूप में नियुक्त करती है :-

1. श्री बी प्रेकी रॉय, 14-98,
ओल्ड मिर्जालगुडा, मल्काजगिरी रंगा रेड्डी जिला,
हैदराबाद-500047।

2. श्री ए. वेंकट स्वामी, फ्लैट सं. 205, लोटस व्यू अपार्टमेंट,
जय नगर कॉलोनी, न्यू भोईगुडा, सिकंदराबाद-500080।

[फा. सं. 809/1/2007-एफ(सी)]

संगीता सिंह, निदेशक (फिल्म)

New Delhi, the 6th November, 2007

S.O. 3356.—In continuation of this Ministry's Notification of even number dated 31st May, 2007 and in exercise of the powers conferred by sub-section (1) of Section 5 of the Cinematograph Act, 1952 (37 of 1952) read with rules 7 and 8 of the Cinematograph (Certification) Rules, 1983 the Central Government is pleased to appoint the following persons as members of the Hyderabad advisory panel of the Central Board of Film Certification with immediate effect for a period of two years or until further orders, whichever is earlier :-

- (1) Shri B. Franky Roy, 14-98, Old Mirjalguda,
Malkajgiri, Ranga Reddy District,
Hyderabad-500047.
- (2) Shri A. Venkat Swamy, Flat No. 205, Lotus View
Apartment, Jai Nagar Colony, New Bhoiguda,
Secunderabad-500080.

[F.No. 809/1/2007-F(C)]

SANGEETASINGH, Director (Films)

नई दिल्ली, 6 नवंबर, 2007

का.आ. 3357.—इस मंत्रालय की दिनांक 13 सितम्बर, 2007 की समसंख्यक अधिसूचना के अनुक्रम में और चलचित्र (प्रमाणन) नियम, 1983 के नियम 7 तथा 8 के साथ पठित चलचित्र अधिनियम, 1952 (1952 का 37) की धारा 5 की उप-धारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केंद्र सरकार निम्नलिखित व्यक्तियों को तत्काल प्रभाव से दो वर्षों की अवधि के लिए अथवा अगले आदेशों तक, जो भी पहले हो, केंद्रीय फिल्म प्रमाणन बोर्ड के दिल्ली सलाहकार पैनल के सदस्यों के रूप में नियुक्त करती है :-

1. सुश्री रीता खत्री,
मोहल्ला बजाजा, जिला फैजाबाद (यूपी.),
2. श्रीमती नीलोफर खान,
मकान सं. 502, एलडोरेडो अपार्टमेंट्स
7/88, तिलक नगर, कानपुर (यूपी.)।

[फा. सं. 809/7/2007-एफ(सी)]

संगीता सिंह, निदेशक (फिल्म)

New Delhi, the 6th November, 2007

S.O. 3357.—In continuation of this Ministry's Notification of even number dated 13th September, 2007 and in exercise of the powers conferred by sub-section (1) of Section 5 of the Cinematograph Act, 1952 (37 of 1952) read with rules 7 and 8 of the Cinematograph (Certification) Rules, 1983 the Central Government is pleased to appoint the following persons as members of the Delhi Advisory Panel of the Central Board of Film Certification with immediate effect for a period of two years or until further orders, whichever is earlier :-

- (1) Ms. Reeta Khatri,
Mohalla Bazaza, Distt. Faizabad (UP).
- (2) Smt. Niloufar Khan,
House No. 502, Eldorado Apartments,
7/88, Tilak Nagar, Kanpur (UP).

[F.No. 809/7/2007-F(C)]

SANGEETASINGH, Director (Films)

संचार और सूचना प्रौद्योगिकी मंत्रालय

(डाक विभाग)

नई दिल्ली, 14 नवम्बर, 2007

का.आ. 3358.—राजभाषा नियम (संघ के शासकीय प्रयोजन के लिए प्रयोग) 1976 के नियम-10 के उप नियम (4) के अनुसरण में केन्द्र सरकार, डाक विभाग के अधीनस्थ कार्यालयों को जिसके 80 प्रतिशत कर्मचारी (ग्रुप घ कर्मचारियों को छोड़कर) ने हिन्दी का कार्यसाधक ज्ञान प्राप्त कर लिया है, अधिसूचित करती है।

कार्यालयों का नाम :

1. प्रबंधक, आर. एल. ओ. का कार्यालय कोलकाता-700001
2. पोस्टमास्टर जनरल, दक्षिण बंगाल क्षेत्र का कार्यालय-700012
3. निदेशक, विदेश डाक का कार्यालय, कोलकाता-700001
4. अधीक्षक, डाक वस्तु भंडार का कार्यालय, कोलकाता-700001

[सं. 11017-1/2007-रा.भा.]

स. चक्रवर्ती, उप महानिदेशक (स्थापना एवं राजभाषा)

**MINISTRY OF COMMUNICATIONS AND
INFORMATION TECHNOLOGY**

(Department of Posts)

New Delhi, the 14th November, 2007

S.O. 3358.—In pursuance of Rule 10 (4) of the Official Language (use for official purposes of the Union) Rule 1976, the Central Government hereby notifies the following Subordinate Offices of the Department of Posts where 80 percent staff has acquired the working knowledge of Hindi :—

Sl. No. Name of Office

1. Manager, R.L.O. Kolkata-700001
2. Postmaster General O/o South Bengal Region-700012
3. Director, Office of the Foreign Posts, Kolkata-700001
4. Office of the Supdt. Postal Store Depot, Kolkata-700002

[No. 11017-1/2007-OL]

S.K. CHAKRABARTI,

Dy. Director General (Estt. & OL)

नई दिल्ली, 14 नवम्बर, 2007

का.आ. 3359.—राजभाषा नियम (संघ के शासकीय प्रयोजन के लिए प्रयोग) 1976 के नियम-10 के उप नियम (4) के अनुसरण में केन्द्र सरकार, डाक विभाग के अधीनस्थ कार्यालयों को जिसके 80 प्रतिशत कर्मचारी (ग्रुप घ कर्मचारियों को छोड़कर) ने हिन्दी का कार्यसाधक ज्ञान प्राप्त कर लिया है, अधिसूचित करती है।

कार्यालयों का नाम :

1. कार्यालय मुख्य पोस्टमास्टर जनरल, जम्मू एवं कश्मीर सर्किल, जम्मू-180001
2. कार्यालय प्रवर अधीक्षक डाकघर, जम्मू प्रखंड, जम्मू-180015
3. अधीक्षक, डाक वस्तु भंडार, जम्मू-180012
4. निदेशक, डाक लेखा कार्यालय, रेल हेड, जम्मू-180012
5. अधीक्षक, डाकघर उधमपुर प्रखंड, उधमपुर-182101
6. गद्दी उप डाकघर, उधमपुर प्रखंड, उधमपुर-182121
7. रियासी उप डाकघर, उधमपुर प्रखंड, उधमपुर-182311
8. रामनगर उप डाकघर, उधमपुर प्रखंड, उधमपुर-182122
9. द्याचालक उप डाकघर, उधमपुर प्रखंड, उधमपुर-184144

[सं. 11017-1/2007-रा.भा.]

स. चक्रवर्ती, उप महानिदेशक (स्थापना एवं राजभाषा)

New Delhi, the 14th November, 2007

S.O. 3359.—In pursuance of Rule 10 (4) of the Official Language (use for official purposes of the Union) Rule 1976, the Central Government hereby notifies the following Subordinate Offices of the Department of Posts where 80 percent staff has acquired the working knowledge of Hindi :—

Sl. No. Name of Office

1. O/o Chief Postmaster General, J & K Circle, Jammu-180001
2. O/o Senior Superintendent of Post Offices, Jammu Division, Jammu-180015
3. Superintendent Stores Depot, Jammu-180012
4. Director Postal Accounts, Rail Head, Jammu-180012
5. Superintendent of Post Office, Udampur Division, Udampur-182101
6. Sub Post Office Garhi, Udampur Division, Udampur-182121
7. Sub Post Office Riasi, Udampur Division, Udampur-182311
8. Sub Post Office Ramnagar, Udampur Division, Udampur-182122
9. Sub Post Office Dyalachak, Udampur Division, Udampur-184144

[No. 11017-1/2007-OL]

S. K. CHAKRABARTI,

Dy. Director General (Estt. & OL)

उपभोक्ता मामले, खाद्य और सार्वजनिक वितरण मंत्रालय

(उपभोक्ता मामले विभाग)

भारतीय मानक ब्यूरो

नई दिल्ली, 19 नवम्बर, 2007

का.आ. 3360.—भारतीय मानक ब्यूरो नियम 1987 के नियम 7 के उपनियम (1) के खंड (ख) के अनुसरण में भारतीय मानक ब्यूरो एतद्वारा अधिसूचित करता है कि जिन भारतीय मानकों के विवरण नीचे अनुसूची में दिए गए हैं वे स्थापित हो गए हैं :-

अनुसूची

क्रम सं.	स्थापित भारतीय मानक (कों) की संख्या वर्ष और शीर्षक	नये भारतीय मानक द्वारा अतिक्रमित भारतीय मानक अथवा मानकों, यदि कोई हो, की संख्या और वर्ष	स्थापित तिथि
(1)	(2)	(3)	(4)
1	आई एस 14457 : 2007 आई एस ओ 8122 : 2003 वस्त्रादि-मशीनरी-बुनाई मशीनें-बड़े अभिहित व्यास की वृत्ताकार बुनाई की मशीनों के लिए सुइयां (पहला पुनरीक्षण)	आई एस 14457 : 1997/ आई एस ओ 8122 : 1988	सितम्बर 2007
2	आई एस 15760 (भाग 1) : 2007 आई एस ओ 11677-1 : 1994 वस्त्रादि मशीनरी और सहायकांग-- खुले सिरे की लूप के सपाट इस्पात हिल्ड के प्रमुख आयाम भाग 1 सी-आकार के सिरा लूप	--	सितम्बर 2007
3	आई एस 15761 (भाग 1) : 2007 आई एस ओ 96-1 : 1992 वस्त्रादि मशीनरी और सहायकांग-- रिंग स्पिनिंग और रिंग डबलिंग फरेम के लिए रिंग और ट्रेक्टर भाग 1 टी-रिंग और उनके उपयुक्त ट्रेक्टर	--	सितम्बर 2007

इन भारतीय मानकों की प्रतियाँ भारतीय मानक ब्यूरो, मानक भवन, 9 बहादुर शाह जफर मार्ग, नई दिल्ली-110 002, क्षेत्रीय कार्यालयों नई दिल्ली, कोलकाता, चण्डीगढ़, चेन्नई, मुम्बई तथा शाखा कार्यालयों अहमदाबाद, बंगलौर, भोपाल, भुवनेश्वर, कोयम्बतूर, गुवाहाटी, हैदराबाद, जयपुर, कानपुर, नागपुर, पटना, पूणे तथा तिरुवनन्तापुरम में बिक्री हेतु उपलब्ध हैं ।

[संदर्भ : टीएक्सडी/जी 25]

एम. एस. वर्मा, निदेशक एवं प्रमुख (टीएक्सडी)

MINISTRY OF CONSUMER AFFAIRS, FOOD AND PUBLIC DISTRIBUTION

(Department of Consumer Affairs)

BUREAU OF INDIAN STANDARDS

New Delhi, the 19th November, 2007

C. A. 3360.—In pursuance of clause (b) of sub-rule (1) of Rule 7 of the Bureau of Indian Standards Rules, 1987, the Bureau of Indian Standards hereby notifies that the Indian Standards, particulars of which are given in the Schedule hereto annexed have been established on the date indicated against each :

SCHEDULE

Sl. No.	No. & Year of the Indian Standards Established	No & year of Indian Standards, if any, Superseded by the New Indian Standard	Date of Est ablished
(1)	(2)	(3)	(4)
1	IS 14457 : 2007/ISO 8122 : 2003 Textiles Machinery—Knitting Machines—Number of Needleless for circular Knitting Machines of large nominal diameter (First Revision)	IS 14457 : 1997/ISO 8122 : 1988	September, 2007

(1)	(2)	(3)	(4)
2	IS 15760 (Part 1) : 2007/ISO 11677-1 : 1994 Textiles Machinery and Accessories— Main Dimensions of Flat Steel Healds with Open End Loops Part 1 C-Shaped End Loops	—	September 2007
3	IS 15761 (Part 1) : 2007/ISO 96-1 : 1992 Textiles Machinery and Accessories—Rings and Travellers for Ring Spinning and Ring Doubling Frames Part 1 T-Rings and their Appropriate travellers	—	September 2007

Copies of these Standards are available for sale with the Bureau of Indian Standards, Manak Bhavan, 9 Bahadur Shah Zafar Marg, New Delhi-110 002 and Regional Offices : New Delhi, Kolkata, Chandigarh, Chennai, Mumbai and also Branch Offices : Ahmedabad, Bangalore, Bhopal, Bhubaneswar, Coimbatore, Guwahati, Hyderabad, Jaipur, Kanpur, Nagpur, Patna, Pune, Thiruvananthapuram.

[Ref : TXD/G-25]

M. S. VERMA, Director & Head (Textiles)

नई दिल्ली, 19 नवंबर, 2007

का.आ. 3361.—भारतीय मानक ब्यूरो नियम, 1987 के नियम 7 के उप-नियम (1) के खंड (ख) के अनुसरण में भारतीय मानक ब्यूरो एतद्वारा अधिसूचित करता है कि जिन भारतीय मानकों के विवरण नीचे अनुसूची में दिए गए हैं वे स्थापित हो गए हैं :-

अनुसूची

क्रम सं.	स्थापित भारतीय मानक(कों) की संख्या वर्ष और शीर्षक	नये भारतीय मानक द्वारा अतिक्रमित भारतीय मानक अथवा मानकों, यदि कोई हो, की संख्या और वर्ष	स्थापित तिथि
(1)	(2)	(3)	(4)
1	आई एस 3141 : 2007 स्वचल और अन्य अनुप्रयोगों के लिए प्रयुक्त आंतरिक दहन इंजन हेतु स्टार्टर मोटर-विशिष्ट (दूसरा पुनरीक्षण)	आई एस 3141 : 1983	31 अक्टूबर, 2007
2	आई एस 4478 : 2007 आई एस ओ 8147 : 1995 पोत और समुद्री संरचनाएं-डेहरक रिंगों एवं पुणे-शब्दावली (दूसरा पुनरीक्षण)	आई एस 4478 : 1992	30 सितम्बर, 2007
3	आई एस 12159 : 2007 स्वचल वाहनों की परिचालन ज्यामिति के मानदंडों की परिशुद्धता आकलन पद्धति (पहला पुनरीक्षण)	आई एस 12159 : 1987	30 सितम्बर, 2007
4	आई एस 13391 : 2007/आई एस ओ 6813 : 1998 सड़क वाहन - संघट्ट वर्गीकरण-शब्दावली (पहला पुनरीक्षण)	आई एस 13391 : 1992	30 सितम्बर, 2007
5	आई एस 14511 (भाग 1) : 2007/आई एस ओ 8984-1 : 1993 डीजल इंजन- ईंधन इंजेक्टरों का परीक्षण भाग 1 हस्त-लीवर-चालित परीक्षण और सेटिंग उपस्कर (पहला पुनरीक्षण)	आई एस 14511 : 1998	30 सितम्बर, 2007

इस भारतीय मानक की प्रतियाँ भारतीय मानक ब्यूरो, मानक भवन, 9 बहादुर शाह जफर मार्ग, नई दिल्ली-110002, क्षेत्रीय कार्यालयों : नई दिल्ली, कोलकाता, चण्डीगढ़, चेन्नई, मुम्बई तथा शाखा कार्यालयों : अहमदाबाद, बंगलौर, भोपाल, भुवनेश्वर, कोयम्बतूर, गुवाहाटी, हैदराबाद, जयपुर, कानपुर, नागपुर, पटना, पूणे तथा तिरुवनन्तापुरम में बिक्री हेतु उपलब्ध हैं।

[संदर्भ : टीईडी/जी-16]

राकेश कुमार, वैज्ञानिक एफ एवं प्रमुख (टीईडी)

New Delhi, the 19th November, 2007

S.O. 3361.—In pursuance of clause (b) of sub-rule (1) of Rule 7 of the Bureau of Indian Standards Rules, 1987, the Bureau of Indian Standards hereby notifies that the Indian Standards, particulars of which are given in the Schedule hereto annexed have been established on the date indicated against each :

SCHEDULE

Sl. No.	No. Year and title of the Indian Standards Established	No. and year of Indian Standards, if any, Superseded by the New Indian Standard	Date of Established
(1)	(2)	(3)	(4)
1	IS 3141 : 2007 Starter motors for internal combustion engines used for automotive and other applications—Specification (Second revision)	IS 3141 : 1983	31 Oct., 2007
2	IS 4478 : 2007/ISO 8147 : 1995 Ships and marine structures—Derrick rigs and component parts—Vocabulary (Second revision)	IS 4478 : 1992	30 Sep., 2007
3	IS 12159 : 2007 Method of evaluation of accuracy of parameters of steering geometry of automotive vehicles (First revision)	IS 12159 : 1987	30 Sep., 2007
4	IS 13391 : 2007/ISO 6813 : 1998 Road vehicles—Collision classification—Terminology (First revision)	IS 13391 : 1992	30 Sep., 2007
5	IS 14511 (Part 1) : 2007/ISO 8984-1 : 1993 Diesel engines—Testing of fuel injectors Part 1 Hand-lever-operated testing and setting apparatus (First revision)	IS 14511 : 1998	30 Sep., 2007

Copies of these Standards are available for sale with the Bureau of Indian Standards, Manak Bhavan, 9 Bahadur Shah Zafar Marg, New Delhi-110 002 and Regional Offices : New Delhi, Kolkata, Chandigarh, Chennai, Mumbai and also Branch Offices : Ahmedabad, Bangalore, Bhopal, Bhubaneswar, Coimbatore, Guwahati, Hyderabad, Jaipur, Kanpur, Nagpur, Patna, Pune, Thiruvananthapuram.

[Ref: TED/G-16]

RAKESH KUMAR, Scientist F & Head (Transport Engg.)

नई दिल्ली, 19 नवंबर, 2007

का.आ. 3362.—भारतीय मानक ब्यूरो (प्रमाणन) विनियम, 1988 के विनियम (5) के उप-विनियम (6) के अनुसरण में भारतीय मानक ब्यूरो एतद्वारा अधिसूचित करता है कि निम्न विवरण वाले लाइसेंसों को उनके आगे दर्शायी गई तारीख से रद्द कर दिया गया है :-

अनुसूची

क्रम सं.	लाइसेंस संख्या	लाइसेंसधारी का नाम व पता	लाइसेंस के अंतर्गत वस्तु/प्रक्रम सम्बद्ध भारतीय मानक का शीर्षक	रद्द करने की तिथि
1	2	3	4	5
1	7012547	भारत इंशुलेशन कंपनी (इं) लिमिटेड ई-7, एम आई डी सी वालुज औरंगाबाद-431133	भामा 8783 (भाग 4/अनु 1) : 1995 सबमर्सीबल मोटर्स के लिए वाईडिंग वायर्स भाग-4 : वर्गीकरण के लिए अलग-अलग तारें-अनुभाग-1 : एच आर पीवीसी इंसुलीकृत तारें	03-10-2007

1	2	3	4	5
2	7339983	भारत इन्सुलेशन कंपनी (इ) लिमिटेड ई-7, एम आई डी सी वालुज औरंगाबाद-431133	भामा 694 : 1990 1100 वोल्ट-सहित और इस कार्यकारी वोल्टेज तक के लिए पीवीसी इंसुलीकृत	03-10-2007

[संख्या सीएमडी 13:13]

ए. के. तलवार, उप महानिदेशक (मुहर)

New Delhi, the 19th November, 2007

S.O. 3362.—In pursuance of sub-regulation (6) of the regulation 5 of the Bureau of Indian Standards (Certification) Regulations 1988, of the Bureau of Indian Standards, hereby notifies that the licences particulars of which are given below have been cancelled with effect from the date indicated against each.

SCHEDULE

Sl. No	Licence No.	Name and Address of the Licensee	Article/Process with relevant Indian Standards covered by the licence cancelled	Date of cancellation
1	7012547	Bharat Insulations Company (I) Ltd E-7, MIDC Waluj Aurangabad-431133	IS 8783 (Part 4/Sec 1) : 1995 Winding Wires for Submersible Motors—Part 4 : Specification for Individual Wires—Section 1 : HR PVC Insulated Wires	3-10-2007
2	7339983	Bharat Insulations Company (I) Ltd E-7, MIDC Waluj Aurangabad-431133	IS 694 : 1990 PVC insulated cables for working voltages up to and including 1100 V	3-10-2007

[No. CMD/13 : 13]

A. K. TALWAR, Dy. Director General (Marks)

श्रम एवं रोजगार मंत्रालय

नई दिल्ली, 25 अक्टूबर, 2007

का.आ. 3363.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एयर इंडिया के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण नं. 2, मुम्बई के पंचाट (संदर्भ संख्या 2/53/2001) को प्रकाशित करती है, जो केन्द्रीय सरकार को 25-10-2007 को प्राप्त हुआ था।

[सं. एल-11012/15/2001-आई आर (सी-1)]

स्नेह लता जवास, डेस्क अधिकारी

MINISTRY OF LABOUR AND EMPLOYMENT

New Delhi, the 25th October, 2007

S.O. 3363.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 2/53/2001) of the Central Government Industrial Tribunal-II, Mumbai now as shown in the Annexure in the industrial dispute between the employers in relation to the management of Air India and their workman, which was received by the Central Government on 25-10-2007.

[No. L-11012/15/2001-IR (C-I)]

SNEH LATA JAWAS, Desk Officer

**ANNEXURE
BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL NO.2, MUMBAI****PRESENT:****A.A. LAD, Presiding Officer****REFERENCE No. CGIT - 2/53 OF 2001****Employers in relation to the Management of Air India
Limited**Establishment Division,
H.R.D. Department, Old Airport,
Santacruz (East), Mumbai-400 029

—1st Party

And their WorkmenAnil Kumar Mavjibhai Solanki,
Laoder, Staff No. 44300,
Shantinagar, Chawl No. 29/3,
Sane Guruji Road, Mahalaxmi,
Mumbai-400011.

—2nd Party

APPEARANCE**FOR THE EMPLOYER :** Mr. L. L. D'Souza,
Representative.**FOR THE WORKMEN :** Mr. Ashok Shetty &
Mrs. P. A. Shetty,
Advocates.

Dated : 6th September, 2007

AWARD - I

The matrix of the facts as called out from the proceedings are as under :

2. The Government of India, Ministry of Labour by its Order No. L-11012/15/2001-C-1 dated 27th April, 2001 in exercise of the powers conferred by clause (d) of sub-section (1) and sub-section 2 (A) of Section 10 of the Industrial Disputes Act, 1947 have referred the following dispute to this Tribunal for adjudication :

"Whether the action of the management of M/s. Air India Limited in dismissing Shri Anil Solanki from service is just, fair and legal ? If not, to what relief is the workman entitled ?"

2. To support the subject matter referred in the reference, Second Party filed the Statement of Claim at Exhibit 7 making out the case that, wife of 2nd Party filed petition in Family Court at Bandra. Family Court directed 2nd Party to pay maintenance of Rs. 500 per month. Since his wife was not happy with the order, so she contacted 1st Party's officers making complaints about him. He states that, his wife was abusing him in filthy language in the presence of other colleagues and threatened to murder him. As a result thereof enquiry was initiated against him by the 1st Party about his absenteeism. He was not aware of it. He did not attend. He admits that, chargesheet was served on him dated 8th June, 1998, however, due to severe health problem did not reply it. He learnt that, enquiry was conducted on 3 dates and proceeded ex-parte. Since he was mentally sick due to the situation unable to take proper steps. Even he was not aware of the dates of the said of the enquiry and its sittings. It is contended that, on meager charge of the absenteeism, 1st Party cannot take decision of dismissal. So it is prayed that, the enquiry initiated be declared not conducted by following principles of natural justice and findings given by it are perverse.

3. This was objected by the 1st Party by filing Written Statement at Exhibit 8 stating that, 2nd Party remained absent for 189 days from May, 1997 to May, 1998. He did not communicate reason behind his absenteeism. He did not apply for leave in advance and get sanctioned his leave before proceeding on leave. Against his name, there is remark "absent without leave" which invite 1st Party to form enquiry committee which issued charge sheet. Charge sheet was served on 2nd Party and was asked to attend enquiry. Since he did not attend inquiry Inquiry Officer proceeded further with the enquiry against 2nd Party as he did not take note of it, and participated in the enquiry. As a result of it the Enquiry Officer conducted 4 sittings. Noting the absenteeism of the 2nd Party, Enquiry Officer concluded charges proved against 2nd Party and gave finding. It is stated that full opportunity was given to the 2nd Party. It is stated that, opportunity was given but he purposely remained absent and did not utilized the said opportunity. The decision taken by the 1st Party relying on the finding of the Enquiry Officer of dismissal is just and proper which does not require any interference. So it is submitted that, enquiry be declared just, proper and finding not perverse.

4. In view of the above pleadings my Ld. Predecessor framed the following Issues at Exhibit 9. Out of those Issues Nos. 1 and 2 which are on the point of formation of the enquiry and perversity of finding, are treated as preliminary Issues which I answer as follows :

ISSUES	FINDINGS
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- | | |
|--|-----|
| 1. Whether the domestic enquiry conducted against the Workman was as per the principles of natural justice ? | No |
| 2. Whether the findings of the Enquiry committee are perverse ? | Yes |

REASONS :

Issues Nos. 1 & 2 :

5. At this stage we are on the point of fairness of the enquiry and perversity of the findings. 2nd Party contends that, he did not attend the enquiry proceedings and Enquiry Officer proceeded ex-parte. The evidence was not available with Enquiry Officer regarding absenteeism of 2nd Party and so findings is perverse. This is denied by 1st Party saying that, 2nd Party purposely did not utilized the opportunity and so no option remained with the Enquiry Officer but to proceed ex-parte.

6. 2nd Party relied on affidavit filed at Exhibit 14 in lieu of examination-in-chief where he narrated above things. In the cross he admits that, the Management had given charge sheet to him about his absenteeism from May, 1997 to May, 1998. He admits the name and address given on page 3 of Exhibit 12 and he admits that, postman gave letter (page 3 Exhibit 12) at his residence. He admits that, the Management might have issued notice on the above address and letter also. He admits that, he was residing at the same address during that period. He admits that, he did not attend the enquiry. He filed closing pursis at Exhibit 15 whereas 1st Party led evidence by examining 2 witnesses one at Exhibit 19 and another one at Exhibit 23 by filing affidavits in lieu of examination of chief. 1st witness of the Management admits that, he did not confirm whether notice were served on 2nd Party about enquiry. Whereas another witness of 1st Party says that, he is a Stenographer and did work of communication of the correspondence of 2nd Party. He admits that, there is no record to prove that, he stated that, he will ensure that, correspondence was sent at proper address of the 2nd Party. 1st party closed evidence by filing pursis at Exhibit 24. 2nd Party filed written submissions at Exhibit 25 and by 1st Party at Exhibit 26.

7. It is a matter of record that, 2nd Party did not personally attended enquiry proceedings. It is also a matter of record that, his representative was not in the enquiry and enquiry proceeded without presence of 2nd Party and his representative. It is a matter of record that, no evidence of 1st Party's side is on the record before the Enquiry Officer which was supposed to be there on the point of his absenteeism. That means explanation about absenteeism of 2nd Party was not before the Enquiry Officer to think

over and to observe whether that reason was just and proper which permits 2nd Party to remain absent from the duty. Besides, it is a matter of record that, no evidence is led by 2nd Party about so called proceedings going on in the Family Court and he was really disturbed by it and was mentally sick. But the fact is that, there is no evidence from the 2nd Party's side in the enquiry and even no participation from his side. The Ld. Advocate for the 1st Party submit that, after waiting for long time. Enquiry Officer was having no option but to proceed ex-parte in the enquiry. According to him if charge sheeted employee does not want to participate in the enquiry in that case, Enquiry Officer is not supposed to wait. It is not that he was supposed to wait. It was the duty of the Enquiry Officer to see that, intimation is served and precaution is taken regarding intimation of dates of the enquiry, in that case Enquiry Officer need not wait for further decision. For that he relied on citation published in 2005 (4) Mh. L.J. page 577 (Krishna Ramchandra Jadhav vs. Smt. Shankari B. Ajimal) where it was observed that, when notice was served on tenant intimating that, his tenancy has been terminated and it is returned with endorsement "unclaimed", "intimation" and "not claimed" in that case, it is to be treated that it is properly served. I think the decision on which 1st Party wants to rely was having different facts and is in different type of nature of litigation which cannot be compared with this nature of problem which we are facing. Here admittedly 2nd Party did not participate in the enquiry. His participation in the enquiry in not proved by the 1st party. Even 1st Party admits that, enquiry proceeded ex-parte. Another citation on which 1st Party placed reliance is on citation, published in 1990 I CLR page 83 (T.V. Ramana Murthy vs. The Andhra Pradesh Agricultural University Represented by its Registrar, Hyderabad & Ors.) where it is observed by Hon'ble High Court of Andhra Pradesh that, rules of natural justice cannot come to the rescue of the person who makes himself scarce in participating in the disciplinary proceedings initiated against him or in case of person who tried to protract the matter on some pretext or the other. The concept of justice and fair play applied with equal force on both sides. It is not as if that disciplinary authority alone is to comply with such rules of justice and fair place but the delinquent officer is also supposed to play according to rules and cannot indulge in abusing the rules of natural justice for his own benefits. Here again facts of this case are quite different than the facts of the said case. The delinquent who was involved in the above referred case (supra) was an officer whereas employee involved in the present case is a Workman. Besides 1st Party admits that, 2nd Party did not participate in the enquiry and within 3-4 dates enquiry was concluded which reveals that, enquiry officer did not give full opportunity to the Second Party to explain about his absenteeism. The reason behind remaining absent was to learn and let the employee know whether there was reason to him behind absenteeism and whether it can be considered as a genuine ground? I think that can be sufficed by participation of the 2nd Party only in the enquiry. Another citation published in 2004 I CLR page 1062 (SC) Mukund Limited Vs Mukund Staff & Officers' Association) also relied by 1st Party's Advocate. However, I fail to understand, as to why this

citation is referred by at this stage the 1st party' Advocate since, we are at present on the point of fairness of the enquiry and perversity of the findings. Same view can be taken about another citation relied upon by 1st Party's Advocate published in 1999 Lab. I.C. 1659 (Vernon Lobo Vs Himalays Drug Company & anr.), citation published in 2006 (104) FLR page 549 (Indian Airlines Limited vs Prakash R. Parab), and citation published in 1993 ILLJ page 29 (SC) (Bengal Bhatdee Coal Co. Ltd. Vs Ram Prabesh Singh).

8. If we consider all this, coupled with the admitted position that, 2nd Party did not participate in the enquiry and did not get an opportunity to make out his case, I conclude that enquiry was not fair and proper. Besides, it reveals that, there was no evidence from 2nd Party to compare the case of the 1st Party so definitely one has to answer that, finding is perverse since there was no explanation from the 2nd Party on the point of absenteeism.

9. In view of the above discussions made above I conclude that, enquiry was not fair and proper and finding perverse. Accordingly I answer the above Issues and passes the following order :

ORDER

- (i) Enquiry is not fair and Proper, besides findings are Perverse ;
- (ii) I direct 1st Party to prove the charges by participating in the reference.

Mumbai,
6th September, 2007

A.A.LAD, Presiding Officer

नई दिल्ली, 25 अक्टूबर, 2007

का.आ. 3364.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार इंडियन एयरलाइन्स के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम-I, नई दिल्ली के पंचाट (संदर्भ संख्या -23/2006) को प्रकाशित करती है, जो केन्द्रीय सरकार को 25-10-2007 को प्राप्त हुआ था।

[सं. एल-11012/13/2006-आई आर (सी-1)]
स्नेह लता जवास, डेस्क अधिकारी

New Delhi, the 25th October, 2007

S.O. 3364.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 23/2006) of the Central Government Industrial Tribunal/ Court-I, New Delhi now as shown in the Annexure in the industrial dispute between the employers in relation to the management of Indian Airlines and their workman, which was received by the Central Government on 25-10-2007.

[No. L-11012/13/2006-IR (C-I)]
SNEH LATA JAWAS, Desk Officer

ANNEXURE**BEFORE SHRI SANT SINGH BAL, PRESIDING
OFFICER, CENTRAL GOVT. INDUSTRIAL
TRIBUNAL NO. 1, NEW DELHI****I.D. No. 23/2006**

In the matter of dispute between:

Shri R.S. Lather : Workman
S/o Shri Raghubir Singh,
C/o Sh. Kuldeep Singh,
Residence 67-D/I,
Lakshmi Market,
Opp. Canara Bank,
Munirka, New Delhi - 67

Versus

The Regional Director, : Management
Northern Region,
Indian Airlines Ltd,
IGI Airport Palam,
New Delhi.

APPEARANCES

None for the workman.
Shri Sameer Jha A/R for the management.

AWARD

The Central Government in the Ministry of Labour vide its Order No. L - 11012/13/2006 [IR (CM-I)] dated 10-7-2006 / 28-7-2006 has referred the following industrial dispute to this Tribunal for adjudication :—

"Whether the action of the management of M/s Indian Airlines New Delhi in removal of Shri R. S. Lather, Transport Supdt. From service vide w.e.f. 31-3-2004 is just, fair and legal? If not, to what relief is the concerned workman entitled?"

2. Reference was received on 11-8-2006 and notice to the parties was issued for 11-10-2006 the workman filed claim statement on 11-10-2006 and management filed written statement on 22-3-2007 and case was adjourned to 31-5-2007 for filing rejoinder. Case was again adjourned to 6-8-2007 for filing rejoinder. None for the workman appeared on 6-8-2007 and case was adjourned to 8-10-2007 for filing rejoinder. This was last opportunity to the workman to file rejoinder. Today also none for the workman appeared despite several calls. Shri Sameer Jha A/R for the management appeared. Perusal of record shows that the workman in this case has not been appearing for the last 3 hearings. It appears that the workman is not interested in the prosecution of his claim. Hence a No Dispute Award is passed. File be consigned to record room.

Dated : 8-10-2007

SANT SINGH BAL, Presiding Officer

नई दिल्ली, 29 अक्टूबर, 2007

का.आ. 3365.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार खोयराबाद कॉलरी ऑफ ई. सी. एल. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण असनसोल के पंचाट (संदर्भ संख्या 24/2005) को प्रकाशित करती है, जो केन्द्रीय सरकार को 29-10-2007 को प्राप्त हुआ था।

[सं. एल-22012/150/2004-आई आर (सीएम-II)]
अजय कुमार गौड़, डेस्क अधिकारी

New Delhi, the 29th October, 2007

S.O. 3365.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 24/2005) of the Central Government Industrial Tribunal-cum-Labour Court, Asansol as shown in the Annexure in the industrial dispute between the management of Khoirabad Colliery, M/s. ECL, Khoirabad Colliery M/s. Colliery, ECL, and their workman, which was received by the Central Government on 29-10-2007.

[No. L-22012/150/2004-IR (CM-II)]

AJAY KUMAR GAUR, Desk Officer

ANNEXURE**BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT,
ASANSOL**

PRESENT: Sri Md. Sarfaraz Khan,
Presiding Officer

Reference No. 24 of 2005**Parties**

**The Agent, Khoirabad Colliery of
M/s. ECL, Kapista, Burdwan.**

Vrs.

**The General Secretary, Koyala Mazdoor Congress,
Asansol, Burdwan.**

REPRESENTATIVES

For the management : Sri P. K. Goswami,
Advocate

For the union (workman) : Sri S. K. S. K. Pandey,
General Secretary of the
Union.

Industry : Coal : State : West Bengal

Dated the 6-9-2007

AWARD

In exercise of powers conferred by clause (d) of sub-section(1) and Sub-section 2(A) of Section 10 of the Industrial Disputes Act, 1947(14 of 1947), Govt. of India through the Ministry of Labour vide its letter No. L-22012/150/2004- IR(CM-II) dated 07-03-2005 has been pleased to refer the following dispute for adjudication by this Tribunal.

SCHEDULE

"Whether the action of the management of Khoirabad Colliery under Salanpur Area of M/s. ECL in dismissing Sh. Sukumar Bouri, U.G.Loader w.e.f. 28-02-2003 is justified? If not, to what relief the workman is entitled to and from which date?"

2. On having received the Order No. L-22012/150/2004- IR(CM-II) dated 7-3-2005 of the aforesaid reference from the Govt. of India, Ministry of Labour, New Delhi for adjudication of the dispute, a reference case No. 24 of 2005 was registered on 12-4-2003 and accordingly an order to that effect was passed to issue notices through the registered post to the parties concerned directing them to appear in the court on the date fixed and file their written statement along with the relevant documents and a list of witnesses in support of their claims. In pursuance of the said order notices by the registered post were issued to the parties concerned. Sri P. K. Goswami, Advocate and Sri S. K. Pandey, General Secretary of the Union appeared in the court to represent the management and the union respectively and filed their written statement in support of their claims.

3. In brief compass the case of the union as set forth in its written statement is that Sri Sukumar Bouri, U.G. Loader was a permanent employee of the company at Khoirabad Colliery of M/s. Eastern Coalfields Limited. The main case of the union is that the workman concerned became ill w.e.f. 24-9-2002. So he could not attend his duty and after being declared fit he reported for his duty on 9-1-2003. The workman concerned was charge sheeted for his alleged unauthorized absence from duty for the period from 24-9-2002 to 8-1-2003. The workman concerned replied to the charge sheet and requested to the management for resumption of his duty but he was not allowed. The further case of the union is that surprisingly enough the workman was dismissed from the services of the company ignoring the enquiry report submitted by the enquiry officer, who has given his findings in favour of the workman. It is also the claim of the union that the workman concerned was not served with the second show cause by the management before awarding him the punishment of dismissal and he was dismissed from the services of the company w.e.f. 20-2-2003. The matter was also taken up with the management several times but nothing was done in spite of the assurances given by the management and the poor workman is sitting idle since then. The punishment of dismissal is claimed to be illegal and unjustified. The union has sought a relief for the reinstatement of the workman in service with the continuity of his service together with the claim of the full back wages.

4. On the other hand the defence case of the management in nutshell as per the averments of the pleadings in its written statement is that the instant dispute is not maintainable for the reasons that the conceived union has no *locus standi* to agitate the dispute and the concerned workman is not at all member of the union in particular.

5. The main defence case of the management is that the facts leading to the dispute in brief is that the workman concerned was in habit of being unauthorized absent and he was punished for several times for the act of unauthorized absence and his past three years attendance was very poor which indicate that the concerned workman is not willing to perform his job and even he did not state any reason what prevented him to perform his job. Admittedly the workman concerned was charge sheeted for which a

domestic enquiry was held and the workman had attended and participated in the enquiry proceeding availing all the opportunities to defend himself.

6. It is also the defence case that the enquiry officer has held in his report that the concerned workman did not inform the management about the reasons of his absence and he was found absent from his duties w.e.f. 24-9-2002 to 8-1-2003. The workman admitted that he has other family members who took him to doctor. The workman concerned failed to produce any treatment paper in support of his illness and he attended at Panuria but did not attend either at the colliery dispensary or at colliery office. It is claimed that the workman willfully left his job as such he is not entitled to any relief and the action of the management be declared legal and just and reference be dismissed.

7. In view of the pleadings of both the parties and the materials available on the records I find certain facts which are admitted one. So before entering into the discussion of the merits of the case I would like to mention those facts which are directly or indirectly admitted by the parties.

8. It is the admitted fact that the delinquent employee Sh. Sukumar Bouri, U.G. Loader was the permanent employee of the company working at Khoirabad Colliery under Salanpur Area of M/s. ECL who was charge sheeted by the management on 20-12-2002 for his absence w.e.f. 24-9-2002 to 8-1-2003.

9. It is also the admitted fact that the workman concerned was absent from his duty w.e.f. 24-9-2002 to 8-1-2003 for which a domestic enquiry was held in which the workman concerned was present and had participated in the enquiry proceeding held against him.

10. It is further admitted fact that the workman concerned had submitted the explanation to the charge sheet issued against him and at the same time he had requested to the management for the resumption of his duty but he was not allowed to resume his duty.

11. It is also the admitted case of the parties that the enquiry officer having conducted the enquiry proceedings submitted his report to the disciplinary authority who passed the order of dismissal of the workman concerned w.e.f. 20-2-2003.

12. It is also admitted fact that the workman concerned was charge sheeted on 20-12-2002 for an unauthorized absence and there is no charge of habitual absenteeism against the delinquent employee.

13. It is admitted fact that the delinquent employee was absent from his duty during the relevant period due to the fact that he was suffering from jaundice for which the medical certificate was produced during the enquiry proceeding. There is no dispute as well that he did not inform either to the colliery management or to the colliery dispensary as per the rule provided in the Model Standing Order applicable to the establishment.

14. It is clearly pleaded by the union in its written statement that the workman concerned was not served with the second show cause by the management before awarding him the punishment of dismissal. This fact has also not been denied by the management nor pleaded for

his defence in its written statement which also amounts to admission as per law.

15. It is the settled principle of law that the facts admitted need not be proved. Since all the aforesaid facts are admitted one so I do not think proper to discuss the same in detail.

16. On perusal of the record it transpires from the order sheet that on 19-12-2006 a hearing on the preliminary point was made. Besides this the validity and fairness of the enquiry proceeding was not challenged by the side of the union and accordingly the enquiry proceeding was held to be fair and valid and as such the date for the final hearing on 28-2-2007 was fixed which was subsequently taken up and after concluding the hearing the award was kept reserved for order.

17. In view of the averments made in the pleadings of the parties, facts, circumstances and other materials available on the record the following issues were framed on re-caste for just decision of the case.

- (i) Is the reference in hand misconceived one and also bad in the eye of law and beyond the scope of the Industrial Disputes Act, 1947?
- (ii) Is the charge of misconduct of an unauthorized absence as per the provision of model standing order against the workman concerned is proved against him or not?
- (iii) Is the punishment of dismissal awarded to the workman concerned by the Disciplinary Authority just, legal and proportionate to the gravity of the alleged misconduct?

18. ISSUE NO. 1: This issue is important and relevant one. So it has been taken up first for discussion for the convenience of the court and just decision of this case. The management has taken the plea in para 1 of its written statement that the instant reference is bad in the eye of law and the facts as well as the circumstance of the case is misconceived one. But the aforesaid facts have not been happily pleaded in the written statement nor it has been mentioned to show as to how the reference is bad in the eye of law and the same is not legally maintainable. Apart from this it is clear from the record itself that the aforesaid issue was neither raised nor pressed by the side of the management even during the course of final hearing of the reference. The management side has neither examined any oral witness nor tendered even a bit of paper nor any legal points were placed before the court in support of its plea. As such I do not find any legal defects in the maintainability of the reference and accordingly the facts of the case very well come under the purview of the Industrial Disputes Act, 1947. The Govt. of India through the Ministry of Labour has rightly referred the dispute to the Tribunal for adjudication and as such this issue is decided against the management.

19. ISSUE NO. 2: This is an important issue and is the crux of the reference in hand which may decide finally the fate of the case. From the perusal of the record it transpires that the workman concerned Sukumar Bouri had been absent from his duty w.e.f. 24-9-2002 to 8-1-2003 for which he was charge-sheeted by the management *vide* charge

sheet No. KB/C-6/C.S Nil dated 20-12-2002 as per the provision of Model Standing Order under clause 17(1) n. It is clear from the record that the workman concerned had appeared before the enquiry officer during the period of enquiry proceeding and had actively participated in the enquiry proceeding. It is also clear from the record that he had submitted explanation to the charges leveled in the charge sheet but the same was not accepted and a domestic enquiry was held. The statement of the workman was recorded before the enquiry officer where he had clearly stated that he could not attend his duty on and from 24-9-2002 due to serious illness. It is further stated that he was suffering from jaundice and he was under the treatment of a private doctor who was called as his condition was serious enough. He was declared fit on 9-1-2003 by the doctor concerned. Besides this the management witness Shamsher Khan, Attendance Clerk of the concerned colliery has clearly stated before the enquiry officer in his statement that he was marked absent in his attendance register on 24-9-2002. He has further stated that the workman concerned did not inform to the colliery management about his illness. It is also admitted that the delinquent employee had produced an outside sick certificate about his illness. Apart from these all prevailing facts the union has also admitted that the workman concerned was absent from his duty during the said relevant period in question. It is also directly or indirectly admitted that the delinquent employee did not send any information to the management about the reasons of his absence from the duty during the period in question. The enquiry officer has mentioned in his enquiry report that the employee concerned could have inform about his illness to the colliery authority or to the colliery dispensary. It is specifically stated by the enquiry officer in his report that the Medical Certificate proves that the workman concerned had suffered from jaundice during the aforesaid period of absence. The report of the enquiry officer itself goes to prove the fact that the employee concerned was admittedly absent from his duty due to the sufficient reason tendered by him. So in this view of the matter it can easily be concluded that the absence from the duty was not deliberate rather it was under the compelling circumstance. Besides this the union has also not challenged the fairness and validity of the enquiry proceedings and admitted that the workman concerned was unauthorisedly absent from his duty during the relevant period.

Having gone through the entire prevailing facts circumstances, enquiry proceedings and the findings of the enquiry officer I find that the delinquent employee was admittedly guilty for the charges of unauthorized absence and the enquiry officer has rightly held him guilty for the act of misconduct of an unauthorized absence for about four months continuously without any sanction leave, prior permission or information to the management or which the workman concerned deserves some suitable punishment for the alleged proven misconduct as provided in the Model Standing Order. As such this issue is decided against the union.

20. ISSUE NO. 3: Now the only main point in issue for consideration before the court is to see as to how far the punishment awarded to the delinquent employee by

the management is just, proper and proportionate to the alleged nature of the proven misconduct.

Heard the learned lawyer for the management and the representative of the union on the aforesaid points in issue. It was argued by the side of the union that it is a simple case of unauthorized absence for about four months and the absence from duty during the relevant period is duly explained and the reasons of absence from the duty is sickness from jaundice, which is relevant and satisfactory ground of absence during the relevant period. It was further submitted that the workman concerned has got unblemish record during the service tenure and at best it is the first offence of the workman concerned which has been sufficiently and satisfactorily explained and the same go to show the compelling circumstance beyond the control of the delinquent employee. It was vehemently argued further that a simple case of unauthorized absence cannot be said to be a gross misconduct and the extreme sort of penalty can't be imposed upon the workman concerned in such a minor case of alleged misconduct.

It was further argued by the union side that the management has also not charge sheeted the workman for habitual absence nor any chit of paper in this regard has been filed in the court nor there is any specific pleading in this respect as well. The attention of the court was drawn towards the report of the enquiry officer who has clearly mentioned in his enquiry report that "After examination it appears to me that he may intimate or Inform about his illness to the colliery authority or to the colliery dispensary. But medical certificate proves that he suffered from jaundice on the aforesaid period.

The enquiry officer is fully satisfied with the reasons of absence of the delinquent employee after relying on the medical certificate granted by the doctor. So it becomes clear that the absence of the concerned workman was under the compelling circumstance which was beyond his control. The union representative further submitted that the workman concerned was suffering from jaundice (infective hepatitis) which is a serious type of disease and fatal for life. The medical certificate produced by the union goes to support the contention of the union. The doctor has clearly mentioned in his certificate that Sukumar Bouri was under his treatment w.e.f. 24-9-2002 to 8-1-2003. He was suffering from jaundice during the said period and the doctor had advised him to take complete bed rest during the period of treatment. In such a prevailing facts and circumstance one will of course have to be absent from his duty specially when the life itself is in danger. I find much force in the argument advanced by the union side and I am convinced to hold that the workman concerned was absent from his duty during the relevant period under the compelling circumstance beyond his control.

20. Perused the specific provision of the certified standing order applicable to the establishment of the company where the extreme punishment prescribed is said to be dismissal as per the gravity of the misconduct and admittedly the misconduct of an unauthorized absence from the duty under the compelling circumstance can not be said to be a gross misconduct rather it is a minor nature of

misconduct. Apart from this it has been several times clearly observed by the different Hon'ble Courts and the Apex Court as well that before imposing a punishment of dismissal it is necessary for the disciplinary authority to consider the socio-economic back ground of the delinquent employee, his family back ground, length of service put in by the employee, his past record and other surrounding circumstance including the nature of misconduct. Those are the relevant factors which must have to be kept in mind by the competent authority at the time of imposing the punishment which of course has not been done by the management in this order to meet the ends of justice.

21. The delinquent employee is admittedly an illiterate man of Bouri by caste who is the member of the Scheduled Caste and happens to be the member of the weaker section of the society. He is no doubt financially weak and poor who has suffered a lot for about five years and he had never been gainfully employed any where during the period of dismissal. It is clearly provided under clause 27(1) (page 15) of the model standing order that various minor punishment are to be awarded to the erring employee according to the nature and gravity of the misconduct. I fail to think as to why only maximum punishment available under the said clause should be awarded in the prevailing facts and circumstances of the case. It has also been observed by the Apex court that justice must be tempered with mercy and that the delinquent employee should be given an opportunity to reform himself and to be loyal and disciplinary employee of the management.

22. However, I am of the considered view that the punishment of dismissal for an unauthorized absence for about four months only under the compelling circumstance and without any malafide intention is not just and proper and it is too harsh a punishment which is totally disproportionate to the alleged nature of proven misconduct. Such a simple case should have been dealt with leniently by the competent authority of the management specially when no second show cause notice has ever been served upon the concerned workman by the management which is of course a direct violation of the directives of the Apex court, which amounts to denial of the principles of natural justice.

23. In view of the matter I think it just and proper to modify and substitute the punishment by exercising the power under Section 11 (A) of the Industrial Disputes Act, 1947 in order to meet the ends of justice. And as such the impugned order of dismissal of the delinquent employee is hereby set aside and he is directed to be reinstated with the continuity of service and in the light of prevailing facts circumstance and the misconduct for which the punishment of dismissal was imposed on the workman concerned I think it appropriate that the concerned workman be imposed a punishment of stoppage of two increments without any cumulative effect. It is further directed that the workman concerned will be entitled to get only 50% of the back wages which will serve the ends of justice. As such his issue is decided in favour of the union and against the management. Accordingly it is hereby.

ORDERED

That let an "Award" be and the same is passed on contest in favour of the workman concerned. Send the copies of the award to the Ministry of Labour, Govt. of India, New Delhi for information and needful. The reference is accordingly disposed of.

MD. SARFARAZ KHAN, Presiding Officer

नई दिल्ली, 29 अक्टूबर, 2007

का.आ. 3366.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार श्यामसुन्दरपुर कॉलरी ऑफ ई. सी. एल. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण आसनसोल के पंचाट (संदर्भ संख्या 36/1995) को प्रकाशित करती है, जो केन्द्रीय सरकार को 29-10-2007 को प्राप्त हुआ था।

[सं. एल-22012/13/1995-आईआर (सी-11)]

अजय कुमार गौड़, डेस्क अधिकारी

New Delhi, the 29th October, 2007

S.O. 3366.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 36/1995) of the Central Government Industrial Tribunal-cum-Labour Court Asansol as shown in the Annexure in the industrial dispute between the employers in relation to the management of Shyamsunderpur Colliery of M/s. ECL and their workman, which was received by the Central Government on 29-10-2007.

[No. L-22012/13/1995-IR (C-II)]

AJAY KUMAR GAUR, Desk Officer

ANNEXURE

**BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT,
ASANSOL**

Reference No. 36 of 1995

PRESENT: Sri Md. Sarfaraz Khan, Presiding Officer

Parties: Agent, Shyamsunderpur Colliery
P. O. Ukhra, Burdwan

Vrs.

Joint General Secretary, Colliery Mazdoor Union (INTUC), Cinema Road, Ukhra, P. O. Ukhra, Burdwan.

REPRESENTATIVES

For the Applicant : Sri P. K. Das
Advocate
For the Opposite Party : Sri M. Mukherjee,
Advocate.
Industry : Coal : State : West Bengal

Dated the 19-9-2007

ORDER

In exercise of powers conferred by clause (d) of sub-section (1) and sub-section 2(A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947), Government of

India through the Ministry of labour vide its letter No. L-22012/13/95-IR(C-II) dated 14-7-1995 has been pleased to refer the following dispute for adjudication by this Tribunal.

SCHEDULE

"Whether the action of the management of Shyamsunderpur Colliery under Bankola Area M/s. E.C.Ltd., P.O. Ukhra Dist. Burdwan(W.B) in dismissing Sh. Bishu Bouri, U/G, Trammer is justified? If not to what relief the concerned workman is entitled?"

2. After having received the Order No. L-22012/13/95-IR(C.II) dated 14-7-1995 of the above mentioned reference from the Government of India, Ministry of Labour, New Delhi, for adjudication of the dispute a reference case No. 36 of 1995 was registered on 1-07-1996 and accordingly an order to that effect was passed to issue notice through the registered post to the parties concerned directing them to appear in the Court on the date fixed and to file their written statements along with the relevant documents and a list of witnesses in support of their claims. In pursuance of the said order notices by the registered post were sent to the parties concerned. Sri P.K. Das, Advocate and Sri M. Mukherjee, Advocate appeared in the Court to represent the Management and the Union respectively. Both parties filed written statement in support of their claims.

From perusal of the record it transpires that the case was fixed for hearing of the dispute on 19-9-2007 but the learned lawyer for the union submitted that he has got no instruction either from the union itself or the workman concerned. The union and the workman concerned have got no interest to proceed with the case further. The lawyer of the union also submitted that he has got no touch with the workman since long time and as such he is ignorant about the where about of the workman concerned. In this prevailing facts and circumstance of the case it is not proper and advisable to keep the same pending any more as the same is old one. As such it is hereby

ORDERED

That let a "No Dispute Award" be and the same is passed. Send the copies of the order to the Government of India, Ministry of Labour, New Delhi for information and needfull. The reference is accordingly disposed of.

MD. SARFARAZ KHAN, Presiding Officer

नई दिल्ली, 29 अक्टूबर, 2007

का.आ. 3367.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार दूर संचार विभाग के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय चेन्नई के पंचाट (संदर्भ संख्या 33/2006) को प्रकाशित करती है, जो केन्द्रीय सरकार को 29-10-2007 को प्राप्त हुआ था।

[सं. एल-40012/107/2005-आई आर (डीयू)]

सुरेन्द्र सिंह, डेस्क अधिकारी

New Delhi, the 29th October, 2007

S.O. 3367.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 33/2006) of the Central Government Industrial Tribunal-cum-Labour Court, Chennai as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Department of Telecom and their workman, which was received by the Central Government on 29-10-2007.

[No. L-40012/107/2005-IR (DU)]

SURENDRA SINGH, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, CHENNAI

Wednesday, the 20th August, 2007

PRESENT: K. JAYARAMAN, Presiding Officer

Industrial Dispute No. 33/2006

(In the matter of the dispute for adjudication under clause (d) of sub-section (1) and sub-section 2(A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947), between the Management of Bharat Sanchar Nigam Ltd. and their workmen)

BETWEEN

B. PachiyammalI Party/Petitioner
Ponnappatty Village
Omalar Taluk
Salem Distt.

Vs.

Union of IndiaII Party/Respondent
Represented by General Manager
Deptt. of Telecommunications
Bharat Sanchar Nigam Ltd.
Salem-7

APPEARANCE

For the Petitioner : M/s. P. V. S. Giridhar
Associates

For the Management : M/s. K. Kannan (SCGSC)

AWARD

The Central Government, Ministry of Labour *vide* its Order, No. L-40012/107/2005 IR(DU) dated 24-05-2006 referred the following Industrial Dispute to this Tribunal for adjudication.

The schedule mentioned in that order is :

“Whether the action of the management of M/s. Bharat Sanchar Nigam Ltd., Salem for terminating the services of Smt. B. Pachiyammal, an ex-part time Casual Mazdoor is legal and justified. If not, what relief is the workman entitled for?”

2. After the receipt of Industrial Dispute, this Tribunal has numbered it as ID 33 of 2006 and issued notices to both sides. Both parties are entered appearance through their Advocates and filed their claim statement and counter statement respectively.

3. The allegations in the claim statement are briefly as follows:

The Petitioner joined the Respondent Management in March 1983 as a Casual Mazdoor. She was doing sweeping/water carrier and other menial works. But all of a sudden, the Respondent Management terminated the services of the petitioner in July 1997. Therefore, the Petitioner filed OA No. 166/98 before the Central Administrative Tribunal to direct the Respondent therein to reinstate her in service with all consequential benefits and also to regularize her in service in suitable Group ‘D’ post. The Hon’ble Central Administrative Tribunal directed the Respondent/Management to reinstate the Petitioner in service by an order of 11-09-2000. The Petitioner was directed to, report on or before, 21-09-2000 at Pannapatty Telephone Exchange and she had joined there as per the directions. But to her shock and surprise she was not paid for the work performed by her. Although she worked continuously without any break in service. Therefore, she made various representations to the Respondent/Management to pay her salary from 21-09-2000 and also requested them to permit to sign in the Attendance Register. Subsequently, during April, 2001, the Petitioner was transferred to another Telephone Exchange in Pannapatty. The Petitioner was worked for 8 hours a day on all 7 days. While so, the Petitioner received a letter on 01-12-2001 from the Respondent stating that her salary would be paid by cash in person at the work spot. Subsequently, the Petitioner made several representations and took all possible steps to collect her salary but it was in vain. The Petitioner all along worked continuously without any break in service. While so on 11-03-2002, the Assistant Engineer of the Telephone Deptt. came to Pannapatty Telephone Exchange and asked the Petitioner to give statement that she had worked for only 15 days in a month. When she refused to do so, he threatened that if she is not willing to accept salary for 15 days, he will terminate her from service. The higher authorities showed a vengeful attitude towards the Petitioner as she had moved the Hon’ble Central Administrative Tribunal against her legal termination. To the shock and surprise by a letter dated 19-03-2002, the Petitioner was terminated from service, as a criminal case was pending against her and that she was in judicial custody. No charge memo was issued to her nor any enquiry was conducted against her. No doubt a criminal case was falsely filed against her, but the Sessions Court has acquitted the Petitioner from the charges. But even after that the Respondent as not reinstated the Petitioner in service. Therefore, the termination of the Petitioner’s service is arbitrary unreasonable and violative of the principles of Natural justice. The reasons given by the Respondent for terminating the Petitioner are frivolous and baseless. No retrenchment compensation was paid to her. Since the Petitioner worked continuously for several year and has worked for, more than 240 days in a continuous period of 12 months preceding her termination the termination is void abinitio and she is deemed to be in service. Hence for all these reasons, the Petitioner prays this Tribunal to reinstate her in service and to regularize her in service with all consequential benefits.

4. As against this, the Respondent in his Counter Statement contended that the Petitioner was engaged as a contingent labour at Pannapatty Telephone Exchange doing the work of sweeping and water carrier. When she did not turn up for duty during June and July 1997, another person was engaged to perform the duties and when she came back to perform the duties, the Respondent has not allowed her to do the work as another person has already been engaged for this purpose. In the OA No. 166/98, the Hon'ble Central Administrative Tribunal had directed the Deptt. on 09-12-1999 to consider her to work either on contract basis or otherwise. In order to honour the Tribunal's order, the Petitioner was again engaged at Panna patty Telephone Exchange to perform the work of sweeping on contract basis at a fixed monthly wage of Rs. 100/- per month and she did not perform any other work as alleged by her and she received the payment till March, 2001. After that Pannapatty Exchange was shifted to another building due to expansion of capacity of the exchange and she was allowed to perform the contingent work of sweeping. Considering the increased quantum of work, it was decided to pay Rs. 200/- per month for her work. Even though, she performed the duties, she deliberately did not take payment for the work she had done for the period from April 2001 insisting to send the amount by Money Order. Even though she was informed to receive the amount, she had refused to take the payment. Her deliberate refusal to take the salary was clearly motivated to allow herself to claim some untenable claims. While so, a notice was sent to her on 06-02-2002 and she was directed to receive the payment every month at the exchange premises at a specified date from JTO/SDE, Omalur. While so, the DE, MTCE, Rural Salem had informed that the Petitioner did not turn up for sweeping or cleaning w.e.f. 16-02-2002 and she had been in Police Custody for her involvement in certain criminal cases. By that time, it had been decided as a measure of policy to cease to employ any sweeper directly and to resort to the system of giving out the work through contracts for specific period by inviting competitive bids. While so, on 28-02-2002, the Petitioner sent a letter to General Manager, BSNL, Salem demanding re-engagement to do the work at Pannapatty Exchange and expressing her consent to receive the payment of Rs. 200/- per month and after that she was informed that she was permitted to do the work with certain conditions. Even though, the Sub-Divisional Engineer, Groups had gone to Pannapatty Exchange on 11-03-2002 and offered to the Petitioner the payment for the work she had performed for the period from 01-04-2001 to 15-02-2002, the Petitioner refused to take payment on the rejection that she is entitled for full payment for the month of February 2002 despite her non-performance of work from 16-02-2002 onwards when she had put in jail under Judicial Custody. Therefore, a notice was issued to her on 16-02-2002 informing her that if she resorted to her evading tactics, the consideration shown to her for redeployment as contingent/contract worker will be withdrawn. Even after that, the Petitioner persisted with her evasive tactics of refusing to take payment with some ulterior motives, therefore, the payment of Rs. 2,100/- had been sent to her by a Money Order less commission on 28-03-2002 and she had also received the said amount. Further, on 19-03-2002, the GM(T), Salem informed the Petitioner that permission given to her for sweeping and cleaning on contract basis is withdrawn setting out her contract betraying willful disobedience to receive the wages delivered to her. Her recurrent absence without justification and her incarceration. The Petitioner was engaged only as a contingent labour. Even the Central

Administrative Tribunal directed the Dept. to consider the Petitioner for work either on contract or otherwise and therefore, she was allowed to perform the work on contract basis and the bench did not recognize any right for the Petitioner for reinstatement under any circumstances. Therefore, there is no scope either for reinstatement or regularizing her services. Hence, for all these reasons, the Respondent prays that the claim may be dismissed with costs.

5. The points for determination are:

- (i) Whether the action of the Respondent/Management in terminating the services of the Petitioner is legal and justified?
- (ii) To what relief the Petitioner is entitled?

6. In order to establish her case, the Petitioner examined herself as WWI and marked documents from W1 to W29 which are all the copy of her representation to the Respondent/Management and the reply to her and also the Hon'ble Central Administrative Tribunal's order and judgement in Sessions Court in which she was an accused. As against this, on the side of the Respondent, one Sri D. Janardanan who is the Divisional Engineer (Admn.) in the Salem Telecom Deptt. was examined as MW1 and on the side of the Respondent documents from M1 to M18 were marked.

7. The learned counsel of the petitioner contended that the termination order issued by the Respondent/Management under EX.W27 is perse illegal and non-est for the reason that no show cause notice, charge memo much less no enquiry was conducted. Further, it is illegal on, the ground that the Petitioner was in employment of the Respondent/Management for more than 240 days in a continuous period of 12 months preceding her termination and therefore the retrenchment is in violation of Section 25(F) of the Industrial Disputes Act. In this case admittedly no notice has been issued nor any Retrenchment Compensation being paid to the Petitioner. Therefore, he further argued that the termination is in gross violation of principles of natural justice as no notice or hearing was granted. Only because the Petitioner has previously filed an application before the Central Administrative Tribunal and on the direction of the Tribunal she was reinstated in service, the Officers of the Respondent/Management are enraged and they have taken a punitive action and terminated her service. He further alleged that the allegation in the termination notice are flimsy and without any basis. They ought to have offered a chance to defend herself because the allegation made in the notice are serious and an enquiry has to be held before terminating her from service. Therefore, he argued that the order of termination is to be set aside by this Tribunal. He further argued the reasons given in the termination order dated 19-03-2002 (Ex.W27) are unreasonable and illegal. It clearly shows a case of victimization and amounts of unfair labour practice. Since there is an employee employer relationship between the Petitioner and the Respondent, it is too late in the day to deny her status as an employee and only to deny her status as an employee the Respondent has taken a stand that she was employed only on contract basis. Hence it is prayed on behalf of the Petitioner that the Petitioner is to be reinstated with all consequential benefits.

8. But as against this, the learned counsel of the Respondent contended that it is false to allege that the Petitioner has been in continuous employment for more

than 240 days from 2001. She was merely engaged for contingent nature of work for sweeping as a stopgap arrangement pending finalization of tender for work contract for sweeping and as a measure of policy the BSNL which is a Public Sector Undertaking had ceased to employ any sweeper directly and the work was entrusted through contract for subsequent period by inviting competitive bids from parties. No doubt the Petitioner had earlier filed an application before the Central Administrative Tribunal for reinstatement complaining of similar treatment on earlier occasions. In that the Tribunal directed the Respondent/Management to consider the Petitioner for working either on contract or otherwise. Even in that application, her request for reinstatement and for regularizing of her service was refused by the Central Administrative Tribunal. In view of the order passed by the Central Administrative Tribunal, the Petitioner had been allowed to perform work only on contract basis. It clearly establishes that the Central Administrative Tribunal bench do not recognize her right for reinstatement nor regularization. In all the days, the Petitioner has refused to receive the wages paid to her and she has also insisted the Deptt. to pay for the period for which she has not worked viz. when she had been arrested and kept in judicial custody. Since the Petitioner has worked only on contract basis and disengaged from the employment, the question of reinstatement does not arise at all as she has no legal right for employment. The category of sweepers are, not borne on the cadre of workers of the Respondent organization. Therefore, she is not entitled for reinstatement. Even in her evidence, the Petitioner has stated that she will work in the building from 0700 AM and do the work of sweeping before the employees arrive at 0900 AM. She has also evidenced that she has documents to prove that she has been continuously in service and it is her admission that she had received Rs. 200/- when the existing office was shifted to new building. On the side of the Respondent, the Respondent has produced Ex. M2, a letter of reply from the General Manager to the Petitioner on 26-12-2001 which clearly states that she had been engaged through a Contractor as contract worker and in the subsequent communication dated 05-01-2002 viz. under EX-M3, she has been advised to receive the wages on a particular day for the work done by her. It is also clear from EX-M4 that the work involved (viz. Sweeping & Cleaning) only 2 hours labour and the engagement was purely on contract and on temporary casual basis. Under EX-M8 viz. 04-03-2002, permission has been granted to her only on condition that it would cease to operate on finalisation of new contract for Pannapatti Exchange. Therefore, the allegation that the Petitioner has got a legal right is without any substance or basis. The complaint of termination of service or a claim for reinstatement would arise only in case of persons who had a legal right to employment and if they were unlawfully terminated, but in this case the Petitioner has no legal right over employment and therefore she cannot complain any unlawful termination. The Learned Counsel of the Respondent further contended that The Respondent organization is a Public Sector Undertaking and there cannot be any engagement outside the recruitment rules. There is no recruitment in law to provide a particular employment to casual workers and stopping of work on the completion of the period stipulated in the original order of engagement will not amount to termination of service. This squarely apply to Section 2(oo), Clause (bb) and therefore the Petitioner cannot complain in violation of Section 25(F) of the Industrial Disputes Act. The Learned Counsel for the Respondent further relied on

the ruling reported in 2006 1, SCC, PAGE 121, PUNJAB STATE ELECTRICITY BOARD V/S. DARBARA SINGH wherein the Supreme Court has held that "the materials on record clearly establish that the engagement of workmen was for a specific period and conditions. It was clearly indicated that an appointment of regular employee, his engagement was to come to an end" and also held that in view of the position as highlighted in MORINDA COOP. SUGAR MILLS V/S. RAMKISHEN, 1995, 5, SCC, PAGE 653, IT WAS OBSERVED "it would thus be clear that the Respondent were not working throughout the season and they were working only during the crushing season only. The respondent were taken into work for the season and consequent to closure of season they cease the work. The question is whether such a cessation would amount to retrenchment since it is only a seasonal work. The respondent cannot be said to have retrenched in view of what is stated in Sub-section (BB) of Section 2(oo) of the Act. Under these circumstances, we are of the opinion that the view taken by the Labour Court and the High Court is illegal. The Supreme Court further held "the position was reiterated by a three-Judge Bench of this Court in Anil Bapurao Kanase Vs. Krishna Sahakari Sakhar Kharkhana Ltd. and reversed the judgement of the Divisional Bench, which allowed the prayer of reinstatement". The learned counsel for the Respondent further relied on the ruling reported in 2006, 1, SCC, PAGE 253, KISHOR CHANDRA SAMAL VS. ORISSA STATE CASHEW DEVELOPMENT CORPORATION LTD, DHENKANAL in which the Supreme Court has held in the case that "the employment is for specific period/fixed term and the engagement was for various spells of fixed period from July, 1982 to August, 1982. In the case of disengagement, whether it can be considered as retrenchment, it held in all orders of engagement, specific periods have been mentioned and the engagement had not merely been temporary in nature", hence the case has been squarely covered under Section 2(oo)(bb) and therefore Section 25(F) would be inapplicable. Further, in 2007, 1, SCC, PAGE 408, INDIAN DRUGS & PHARMACEUTICALS LTD. VS. WORKMEN, IDPL, wherein the Supreme Court has held "the Court cannot create a post whether non-existing nor issue direction to absorb or regularize temporary employment nor continue them in service nor pay their salary of regular employment as these are purely executive or legislative functions and further held that the Supreme Court cannot arrogate the duties, powers of the executives and legislature. Furthermore, such questions cannot be decided in Court on the basis of emotions and sympathies but must be decided on legal provisions". Relying on this decision, the Learned Counsel of the Respondent contended since the Petitioner was only engaged on contract basis, since the Petitioner was absent and she has refused to receive the salary from the Respondent authorities and also claimed payment of wages untenably for the period for which she has not worked (when she had been put in jail under Judicial Custody), the Respondent Management has withdrawn the engagement for the willful disobedience to receive the wages delivered to her and for her regular absence without justification and therefore it cannot be termed as retrenchment and she is not entitled for any reinstatement regularization as alleged by her. I find much force in the contentions of the Learned Counsel of the Respondent because the Petitioner has not established that she has been in employment under the Respondent Management nor she is entitled to the benefits of the Industrial Disputes Act. It is well established that she has been employed only

on contract basis and her contract has been terminated by a legal notice and under such circumstances, I am not inclined to accept that the termination is illegal or unjustified. Under such circumstances, I find this point against the Petitioner.

7. The next point to be decided in this case is to what relief is the workmen is entitled?

In view of my foregoing findings, namely, the action of the Respondent/Management in terminating the services of the Petitioner is legal and justified. I find the Petitioner is not entitled to any relief.

8. Thus the reference is disposed of accordingly.

(Dictated to the P.A., transcribed and typed by him, corrected and pronounced by me in the open court on this day the 20th August, 2007)

K. JAYARAMAN, Presiding Officer

Witnesses Examined:—

For the I Party/Petitioner WW1 Smt. B. Pachiyammal

For the II Party/Mgmt. MW1 Sri D. Janardhanan

Documents Marked :—

Ex. No.	Date	Description
W1		Attendance Register signed by the Petitioner
W2	05-07-1997	Representation
W3	16-07-1997	Representation
W4	09-12-1999	Central Administrative Tribunal's Order
W5	11-09-2000	Order of the Respondent directed the Petitioner to report on Duty
W6	18-09-2000	Representation (with acknowledgement card)
W7	12-10-2000	Representation against Mr. Ganesan (with acknowledgement Card)
W8	20-11-2000	Representation
W9	05-02-2001	Representation (with acknowledgement card)
W10	07-04-2001	Representation (with acknowledgement card)
W11	11-05-2001	Representation (with acknowledgement card)
W12	25-05-2001	Representation (with acknowledgement card)
W13	July, 2001	Representation
W14	07-08-2001	Representation (with acknowledgement card)
W15	03-10-2001	Representation (with acknowledgement card)
W16	01-12-2001	Letter for the Respondent
W17	11-12-2001	Representation (with acknowledgement card)
W18	26-12-2001	Reply sent by the Respondent
W19	28-12-2001	Representation to the Senior Divisional Engineer (with acknowledgement card)

Ex. No.	Date	Description
W20	02-01-2002	Representation (with acknowledgement card)
W21	05-01-2002	Letter sent by the Sub-Divisional Engineer
W22	09-01-2002	Representation to the Respondent (with acknowledgement card)
W23	06-02-2002	Reply sent by the Divisional Engineer to the Petitioner for the letter dated 02-01-2002
W24	28-02-2002	Representation to the Respondent (with acknowledgement card)
W25	04-03-2002	Letter from the Respondent
W26	12-03-2002	Reply given by the Petitioner to the Respondent to the letter dated 04-03-2002
W27	19-03-2002	Termination Order
W28	21-03-2002	Representation against the termination order
W29	18-06-2002	Judgement in S-C. No. 301 of 200277.

From the Management side:

EX.No.	Date	Description
EX.M1	01-12-2001	Reply of Divisional Engineer for Petitioner letter dated 20-11-2001
EX.M2	26-12-2001	Reply of Divisional Engineer for Petitioner letter dated 11-12-2001
EX.M3	05-01-2002	Reply of S-D.E. Groups, Omalur for Petitioner letter dated 28-12-2001
EX.M4	06-02-2002	Reply of Divisional Engineer for Petitioner letter dated 02-01-2002
EX.M5	08-02-2002	Acknowledgement of service to Petitioner
EX.M6	21-02-2002	Letter of D.F. Maintenance Rural to the General Manager
EX.M7	25-02-2002	Letter of Inspector to Asstt. Divisional Engineer
EX.M8	04-03-2002	Reply of Divisional Engineer for Petitioner letter dated 28.02-2002
EX.M9	06.03-2002	Proof of service to Petitioner
EX.M10	11-03-2002	Letter of Sub-Divisional Engineer to the General Manager, BSNL.
EX.M11	11-03-2002	Report of Sub-Divisional Engineer to the General Manager, BSNL.
EX.M12	19-03-2002	Order of Divisional Engineer
EX.M13	21-03-2002	Acknowledgement of Service to Petitioner
EX.M14	28-03-2002	Wages Rs. 2000/- sent through M.O. by Sub-Divisional Engineer copy
EX.M15	28-03-2002	Proof of M.O. received by Petitioner
EX.M16	30-03-2002	M. O. Acknowledgement
EX.M17	01-12-1988	The circular of Chief General Manager
EX.M18	17-05-1989	The circular of Chief General Manager

नई दिल्ली, 29 अक्टूबर, 2007

का.आ. 3368.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार, भारतीय खाद्य निगम के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार, औद्योगिक अधिकरण, जोधपुर के पंचाट (संदर्भ संख्या 21/2002) को प्रकाशित करती है, जो केन्द्रीय सरकार को 29-10-2007 को प्राप्त हुआ था।

[सं. एल-22012/116/2001-आई आर (सीएम-II)]

अजय कुमार गौड़, डेस्क अधिकारी

New Delhi, the 29th October, 2007

S.O. 3368.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 21/2002) of the Industrial Tribunal, Jodhpur as shown in the Annexure in the industrial dispute between the management of Food Corporation of India, and their workmen, received by the Central Government on 29-10-2007.

[No. L-22012/116/2001-IR (CM-II)]

AJAY KUMAR GAUR, Desk Officer

अनुबंध

औद्योगिक विवाद अधिकरण एवं श्रम न्यायालय,

जोधपुर

पीठासीन अधिकारी :- श्री पुष्पेन्द्रसिंह हाड़ा, आर.एच.जे.एस

औद्योगिक विवाद (केन्द्रीय) संख्या 21/2002

श्री रामचन्द्र पुत्र श्री मोतीलाल तंवर

पार्ष्ण विधि सचिव, एफ.सी.आई.

कर्मचारी एण्ड श्रमिक यूनियन,

मिलगेट 516 सुभाष नगर, पाली।

प्रार्थी

बनाम

जिला प्रबन्धक, भारतीय खाद्य निगम,

पटवारी भवन, कचहरी रोड, अजमेर।

अप्रार्थी

रेफरेन्स अर्न्तगत धारा 10 औ. वि. अधिनियम, 1947

उपस्थिति

(1) श्री भागीरथ चन्दौरा प्रतिनिधि प्रार्थी

(2) श्री महेन्द्र त्रिवेदी प्रतिनिधि अप्रार्थी

अवार्ड

दिनांक 29-11-2006

1. भारत सरकार ने अपनी अधिसूचना क्रमांक एल. 22012/116/2001-आई.आर. (सी.एम.-II) दिनांक 17-7-2002 द्वारा निम्न विवाद अर्न्तगत धारा 10 औद्योगिक विवाद अधिनियम, 1947 के तहत इस न्यायालय को रेफर किया है :-

"Whether the action of the management of Food Corporation of India, Ajmer in terminating the services of Shri Ramchandra S/o Shri Motilal Tanwar w.e.f. 24-8-1999 is legal and justified? If not, what relief the workman concerned is entitled to?"

2. प्रार्थी द्वारा अपना माँग-पत्र इस आशय का पेश किया गया है कि प्रार्थी अप्रार्थी के आधीन प्रथम बार 5-1-84 को चतुर्थ श्रेणी के पद पर नियुक्त हुआ, जिसे 1-6-88 को अप्रार्थी नियोजक द्वारा सेवा से पृथक् कर दिया, जिसके संबंध में औद्योगिक विवाद उठाया गया, जो औद्योगिक विवाद सं. 2/87 के रूप में दर्ज हुआ तथा जिसका अधिनिर्णय दिनांक 15-9-92 को पारित किया गया व प्रार्थी की सेवामुक्ति को अनुसूचित माना गया व पुनः सेवा की निरन्तरता में सेवा में पुनर्स्थापित करने व समेकित रूप से 7000 रुपये की राशि पूर्वमुक्ति के रूप में दिलाई गई, अप्रार्थी द्वारा 7000 रुपये की राशि तो प्रार्थी को दे दी गई लेकिन सेवा में पुनर्स्थापित नहीं किया गया। प्रार्थी चतुर्थ श्रेणी कर्मचारी था व उसके समान ही अप्रार्थी के अधीन अन्य श्रमिक भी कार्य करते थे। प्रार्थी द्वारा एवार्ड दिनांक 15-9-92 की पूर्णतया पालना करवाने के लिए क्षेत्रीय श्रम आयुक्त (केन्द्रीय) श्रम विभाग, अजमेर के समक्ष अपना प्रकरण प्रस्तुत किया जिसमें दिनांक 7-8-98 को अप्रार्थी द्वारा उक्त समझौते की पालना करने हेतु सहमत हुए, प्रार्थी ने अपनी उपस्थिति दिनांक 13-8-98 को अप्रार्थी संस्थान में दी, अप्रार्थी ने प्रार्थी से निरन्तर एक वर्ष तक सेवा लेने के पश्चात् पुनः दिनांक 25-8-99 को सेवा से पृथक् कर दिया जो पूर्व में हुए समझौते एवं अवार्ड की पालना के विपरीत था तथा श्रम विरोधी कृत्य है। प्रार्थी द्वारा पुनः 4-10-99 को श्रम आयुक्त (केन्द्रीय) अजमेर के समक्ष अपना प्रकरण प्रस्तुत किया परन्तु दोनों पक्षों में कोई समझौता नहीं होने से वार्ता विफल घोषित कर प्रकरण भारत सरकार को आवश्यक कार्यवाही हेतु भेजा गया। प्रार्थी द्वारा 13-8-98 को इयूटी जोड़ने करने के पश्चात् अप्रार्थी के समक्ष उसे स्थाई करने हेतु प्रकरण प्रस्तुत किया जिससे रुष्ट होकर अप्रार्थी द्वारा प्रार्थी की सेवाएं समाप्त की गई, सेवा समाप्ति से पूर्व किसी प्रकार का कोई नोटिस, नोटिस वेतन नहीं दिया गया न ही कोई जांच कार्यवाही की गई, वरिष्ठता सूची का प्रकाशन नहीं किया गया, प्रार्थी से कनिष्ठ श्रमिक आज भी अप्रार्थी संस्थान में कार्यरत हैं। अतः अप्रार्थी द्वारा 24-8-99 द्वारा प्रार्थी की सेवामुक्ति की कार्यवाही को अनुचित एवं अवैध घोषित किया जाकर प्रार्थी को सेवा की निरन्तरता में पूर्व वेतन व लाभ सहित सेवा में पुनः बहाल किये जाने का अवार्ड पारित किया जावे।

3. अप्रार्थी की ओर से जवाब में कहा गया कि प्रार्थी को 5-1-84 को आकस्मिक कर्मचारी के रूप में दैनिक वेतनभोगी कर्मचारी के पद पर नहीं रखा गया वह निरन्तर सेवा में नहीं रहा, 1-6-86 के पश्चात् प्रार्थी स्वयं ही अपने कार्य पर नहीं आया उसने कभी भी लगातार 240 दिन कार्य नहीं किया, एवार्ड दिनांक 15-9-92 की पालना में प्रार्थी को सेवा में पुनर्स्थापित 13-8-98 को किया गया लेकिन प्रार्थी पूर्व की भाँति स्वयं ही बिना बताये कार्य छोड़कर चला गया क्योंकि वह स्थाई पद पर कार्य करना चाहता है जब कि उसके आकस्मिक पद पर रखा गया था, स्थाई पद कार्यालय में स्वीकृत नहीं है न ही रिक्त है, प्रार्थी का उद्देश्य भी विभाग पर दबाव डालकर नाजायज तरीके से स्थाई पद पर नियुक्ति पाने का है, प्रार्थी ने 13-8-98 के बाद लगातार 240 दिन कार्य नहीं किया व विभाग को परेशान करने के नये-नये तरीके ढूँढता रहता है, अधिकारियों पर नाजायज दबाव डालता है। प्रार्थी स्वेच्छा से कार्य छोड़कर गया इसलिये धारा 25-एफ औ. वि. अधिनियम के प्रावधानों की पालना की आवश्यकता नहीं रही न ही नोटिस, नोटिस वेतन व मुआवजा देने की आवश्यकता है। प्रार्थी किसी अनुतोष का अधिकारी नहीं है।

4. मांग-पत्र के समर्थन में प्रार्थी द्वारा स्वयं का शपथ-पत्र प्रस्तुत किया गया जिसपर अप्रार्थी प्रतिनिधि द्वारा जिरह की गई तथा अप्रार्थी की ओर से डी.सी. जारोटिया का शपथ-पत्र प्रस्तुत किया जिसपर प्रार्थी प्रतिनिधि द्वारा जिरह की गई।

5. दोनों पक्षों के प्रतिनिधिगण की बहस सुनी गई। पत्रावली का अवलोकन किया गया।

6. यह तथ्य विवादित नहीं है कि प्रार्थी को 5-1-84 को अप्रार्थी द्वारा दैनिक वेतनभोगी कर्मचारी के रूप में नियुक्त किया गया, 1-6-88 को उसे सेवा से पृथक् किया गया व इस न्यायालय के अवार्ड दिनांक 15-9-92 से उसे 13-8-98 को पुनः कार्य पर लिया गया।

7. यह सिद्ध करने का भार प्रार्थी पर था कि उसने 24-8-99 की जो सेवामुक्ति किये जाने की दिनांक प्रार्थी द्वारा बताई गई है, से पूर्व के एक वर्ष में उसने लगातार 240 दिन तक अप्रार्थी के आधीन कार्य किया। इस संबंध में प्रार्थी द्वारा एटेंडेन्स रजिस्टर, वेतन भुगतान से संबंधित कोई दस्तावेज प्रस्तुत नहीं किये गये हैं न ही तलब करवाये गये हैं एवं सिर्फ मौखिक साक्ष्य ही शपथ-पत्र पर दी गई है। प्रार्थी ने अपने शपथ-पत्र में यह कहा है कि अवार्ड की पालना में मुझे 13-8-98 को कार्य पर लिया गया व उसके बाद वह निरन्तर 24-8-99 तक अपनी सेवाएं देता रहा, 24-8-99 को उसे सेवा से पृथक् कर दिया गया। रिबटल में अप्रार्थी की ओर से जो शपथ-पत्र प्रस्तुत हुआ है उसमें श्री डी.सी. जारोटिया ने अपनी साक्ष्य में अवार्ड होना, एवार्ड की पालना में 13-8-98 को प्रार्थी को पुनः नौकरी पर लिया जाना स्वीकार किया है परन्तु उन्होंने अपनी साक्ष्य में यह कहा है कि प्रार्थी विभाग में नौकरी करना ही नहीं चाहता है, विभाग के अधिकारियों को नाजायज तंग करने की गरज से दबाव डालना, दबाव बनाये रखना उसका उद्देश्य है, प्रार्थी को अप्रार्थी द्वारा कभी भी सेवा से मुक्त नहीं किया गया बल्कि प्रार्थी स्वयं ही काम पर नहीं आया, उसने 240 दिन लगातार कार्य भी नहीं किया। प्रार्थी की छंटनी नहीं की गई। प्रश्न यह रहता है कि क्या प्रार्थी के मौखिक कथन के आधार पर यह सिद्ध होना माना जा सकता है कि उसने 240 दिन अप्रार्थी के आधीन लगातार कार्य कर लिया था। इस संबंध में माननीय उच्चतम न्यायालय द्वारा 2004 एस.सी.सी. (एल एण्ड एस) 1062 म्युनिसिपल कॉरपोरेशन फरीदाबाद बनाम श्रीनिवास के निर्णय में स्पष्ट रूप से कहा गया है कि छंटनी वाले पूर्ववर्ती वर्ष में 240 दिन तक लगातार कार्य किया इसको सिद्ध करने का भार श्रमिक पर है और इसमें श्रमिक ने स्वयं को परीक्षा कराने के अलावा कोई साक्ष्य प्रस्तुत नहीं की है और केवल स्वयं को परीक्षित कराना पर्याप्त नहीं है। इन परिस्थितियों में प्रार्थी के स्वयं के मौखिक कथन के आधार पर यह सिद्ध होना नहीं माना जा सकता कि नौकरी पर पुनः लिये जाने के पश्चात् से उसने उसके द्वारा बताई गई सेवामुक्ति की तारीख 24-8-1999 से एक वर्ष पूर्व 240 दिन तक लगातार अप्रार्थी के अधीन कार्य किया हो।

8. यह तथ्य सिद्ध न हो पाने की स्थिति में यह नहीं माना जा सकता कि अप्रार्थी द्वारा प्रार्थी को स्ट्रेन्च किया गया हो। ऐसी स्थिति में धारा 25-एफ, 25-जी व 25-एच के प्रवाधानों का उल्लंघन अप्रार्थी द्वारा किया जाना नहीं माना जा सकता। इन परिस्थितियों में प्रार्थी की सेवामुक्ति अवैध माने जाने का कोई कारण नहीं है। प्रार्थी कोई अनुतोष पाने का अधिकारी नहीं है।

9. उक्त विवेचन के अनुसार इस रेफरेन्स का उत्तर इस अवार्ड की टर्म्स में निम्न प्रकार दिया जाता है :

10. अप्रार्थी द्वारा प्रार्थी को 24-8-1999 से सेवामुक्ति किया जाना उचित एवं वैध था। प्रार्थी कोई अनुतोष प्राप्त करने का अधिकारी नहीं है।

11. इस अवार्ड को प्रकाशनार्थ भारत सरकार को प्रेषित किया जाये।

12. यह अवार्ड आज दिनांक 29-11-2006 को खुले न्यायालय में सुनाया गया।

पुष्पेन्द्र सिंह हाड़ा, न्यायाधीश

नई दिल्ली, 30 अक्टूबर, 2007

का.आ. 3369.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मै. सनसाइन इंटरप्राइजेज द्वारा मै. इंडियन एयरलाइंस के प्रबंधन के संबंध में निर्योक्तों और उनके कर्मचारियों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, नई दिल्ली-1 के पंचाट (संदर्भ संख्या 74/2003) को प्रकाशित करती है, जो केन्द्रीय सरकार को 29-10-2007 को प्राप्त हुआ था।

[सं. एल-11012/8/2003-आई आर (सी-1)]

स्नेह लता जवास, डेस्क अधिकारी

New Delhi, the 30th October, 2007

S.O. 3369.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 74/2003) of the Central Government Industrial Tribunal/Labour Court, New Delhi-1 now as shown in the Annexure in Industrial Dispute between the employers in relation to the management of M/s. Sunshine Enterprises by M/s. Indian Airlines and their workmen which was received by the Central Government on 29-10-2007.

[No. L-11012/8/2003-IR (C-1)]

SNEH LATA JAWAS, Desk Officer

अनुबंध

समक्ष श्री संत सिंह बल, पीठासीन अधिकारी केंद्रीय सरकार औद्योगिक अधिकरण एवं श्रम मंत्रालय संख्या 1, आर के पुरम, नई दिल्ली

औद्योगिक विवाद संख्या 74/2003

अध्यक्ष,
एअरपोर्ट एम्पलाइज यूनियन,
3 बी.पी. हाउस,
एफी मार्ग,
नई दिल्ली

.....कर्मकार

बनाम

महाप्रबंधक,
मैसर्स इण्डियन एअर लाइंस,
आई जी आई टर्मिनल 1,
पालम, नई दिल्ली

2. मैसर्स सनसाइन इंटरप्राइजेज,
ए-60, निरमल पुरी,
लाजपत नगर 4,
नई दिल्ली।

3. मैसर्स अरूण इंटरप्राइजेज,
मकान नं. एल. 423,
गांव च पो. कापसहेरा
नई दिल्ली।

.....प्रबंधक

उपस्थित: श्री कमलकांत त्यागी, वकील प्रबंधक

पंचाट

केन्द्रीय सरकार श्रम मंत्रालय द्वारा आदेश संख्या एल-11012/08/2003-आई आर सी 1 दिनांकित 28-05-03 के तहत निम्नलिखित विवाद न्यायनिर्णयन हेतु भेजा गया :-

“Whether the demand of Airport Employment Union for reinstatement of Shri Jaipal helper by M/s. Sunshine Enterprises, Contractor, engaged by M/s. Indian Airlines is just, fair and legal? If yes, to what relief the workman is entitled to and from what date?”

1. विवाद पंजीकृत करने के उपरान्त दोनों पक्षों को नोटिस भेजा गया। प्रयोजक पक्ष ने एक प्रार्थना पत्र पेश कर इस विवाद को यहीं पर रोकने का आग्रह किया है तथा उच्च न्यायालय के आदेश की प्रमाणित प्रति पेश करने के लिए समय मांगा। आज दिनांक 3-10-2007 को श्री कमल कांत त्यागी ने अपना बयान देने हेतु इच्छा प्रकट की और बयान दिया कि इस विवाद में कुछ बदलाव कर श्रम मंत्रालय द्वारा इस अधिकरण को भेजा गया है इसलिए इस विवाद को बंद किया जाये। श्री कमल कांत त्यागी के इस बयान के आधार पर यह विवाद बंद किया जाता है तथा फाइल दाखिल दफतर की जाती है।

दिनांक 3-10-2007

संत सिंह बल, पीठासीन अधिकारी

नई दिल्ली, 30 अक्टूबर, 2007

का.आ. 3370.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मै. सनसाइन इंटरप्राइजेज बनाम मै. इंडियन एयरलाइंस के प्रबंधन के संबंध निर्यातकों और उनके कर्मचारियों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, नई दिल्ली-I के पंचाट (संदर्भ संख्या 75/2003) को प्रकाशित करती है, जो केन्द्रीय सरकार को 29-10-2007 को प्राप्त हुआ था।

[सं. एल-11012/7/2003-आई आर (सी-I)]

स्नेह लता जवास, डेस्क अधिकारी

New Delhi, the 30th October, 2007

S.O. 3370.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 75/2003) of the Central Government Industrial Tribunal/Labour Court, New Delhi-I now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of M/s. Sunshine Enterprises by M/s. Indian Airlines and their workman, which was received by the Central Government on 29-10-2007.

[No. L-11012/7/2003-IR(C-I)]

SNEH LATA JAWAS, Desk Officer

अनुबंध

समक्ष श्री संत सिंह बल पीठासीन अधिकारी
केन्द्रीय सरकार, औद्योगिक अधिकरण एवं श्रम मंत्रालय
संख्या 1, आर. के. पुरम, नई दिल्ली
औद्योगिक विवाद संख्या 75/2003

कार्यकारी अध्यक्ष,
एअरपोर्ट एम्पलाइज यूनियन,
3, बी.पी. हाउस,
रफी मार्ग,
नई दिल्ली।
2. मैसर्स सनसाइन इंटरप्राइजेज
ए. 60, निरमल पुरी,
लाजपत नगर 4,
नई दिल्ली 24।
3. मैसर्स अरूण इंटरप्राइजेज,
मकान नं. एल. 423,
कापस हेरा
नई दिल्ली।

.....कर्मकार

बनाम

महाप्रबंधक,
मैसर्स इण्डियन एअर लाइंस,
आई जी आई टर्मिनल 1,
पालम नई दिल्ली।

.....प्रबंधक

उपस्थित: श्री कमलकांत त्यागी, वकील प्रबंधक

पंचाट

केन्द्रीय सरकार श्रम मंत्रालय द्वारा आदेश संख्या एल-11012/12/2003-आई आर सी 1 दिनांकित 28-05-03 के तहत निम्नलिखित विवाद न्यायनिर्णयन हेतु भेजा गया :-

“Whether the demand of Airport Employees Union in regard to reinstatement of services of Shri Mehar Chand, Cleaner engaged by M/s. Sunshine Enterprises by M/s. Indian Airlines, New Delhi is just, fair and legal? If yes, to what relief is the workman is entitled and from what date?”

1. विवाद पंजीकृत करने के उपरान्त दोनों पक्षों को नोटिस भेजा गया। कर्मचारी द्वारा अपना दावे का बिबरण प्रस्तुत किया है। प्रयोजक पक्ष ने एक प्रार्थना पत्र पेश कर इस विवाद को यहीं पर रोकने का आग्रह किया है तथा उच्च न्यायालय के आदेश की प्रमाणित प्रति पेश करने के लिए समय मांगा। आज दिनांक 3-10-2007 को श्री कमल कांत त्यागी ने अपना बयान देने हेतु इच्छा प्रकट की और बयान दिया कि इस विवाद में कुछ बदलाव कर श्रम मंत्रालय द्वारा इस अधिकरण को भेजा गया है इसलिए इस विवाद को बंद किया जाये। श्री कमल कांत त्यागी के इस बयान के आधार पर यह विवाद बंद किया जाता है तथा फाइल दाखिल दफतर की जाती है।

संत सिंह बल, पीठासीन अधिकारी

नई दिल्ली, 30 अक्टूबर, 2007

का.आ. 3371.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मै. सनसाइन इंटरप्राइजेज बनाम मै. इंडियन एयरलाइंस के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, नई दिल्ली-1 के पंचाट (संदर्भ संख्या 81/2003) को प्रकाशित करती है, जो केन्द्रीय सरकार को 29-10-2007 को प्राप्त हुआ था।

[सं. एल-11012/17/2003-आई आर (सी-1)]
स्नेह लता जवास, डेस्क अधिकारी

New Delhi, the 30th October, 2007

S.O. 3371.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 81/2003) of the Central Government Industrial Tribunal/Labour Court, New Delhi-I now as shown in the Annexure in the industrial dispute between the employers in relation to the management of M/s. Sunshine Enterprises by M/s. Indian Airlines and their workman, which was received by the Central Government on 29-10-2007.

[No. L-11012/17/2003-IR (C-1)]
SNEH LATA JAWAS, Desk Officer

अनुबंध

समक्ष श्री संत सिंह बल, पीठासीन अधिकारी केन्द्रीय
सरकार औद्योगिक अधिकरण एवं श्रम मंत्रालय संख्या 1,
आर. के. पुरम, नई दिल्ली

औद्योगिक विवाद संख्या 81/2003

श्री मनि
796 पाकेट न.1
पश्चिम पुरी,
नई दिल्ली-63

.....कर्मकार

बनाम

महाप्रबंधक,
मैसर्स इण्डियन एअर लाइंस,
आई जी आई टर्मिनल 1,
पालम नई दिल्ली

.....प्रबंधक

पंचाट

केन्द्रीय सरकार श्रम मंत्रालय द्वारा आदेश संख्या एल-11012/17/2003-आई आर सी 1 दिनांकित 28-05-03 के तहत निम्नलिखित विवाद न्यायनिर्णयन हेतु भेजा गया :-

“Whether the demand of Shri Mani, Contract Labour of M/s. Sunshine Enterprises under the M/s. Indian Airlines New Delhi for reinstatement/regularization of his services by M/s. Indian Airlines is justified? If yes, to what relief is the workman is entitled and from what date?”

1. विवाद पंजीकृत करने के उपरान्त दोनों पक्षों को नोटिस भेजा गया। कर्मचारी द्वारा अपना दावे का विवरण प्रस्तुत किया है। प्रयोजक पक्ष ने एक प्रार्थना पत्र पेश कर इस विवाद को यहीं पर रोकने का आग्रह किया है तथा उच्च न्यायालय के आदेश की प्रमाणित प्रति पेश करने के लिए समय मांगा। आज दिनांक 3-10-2007 को श्री कमल कांत त्यागी ने अपना बयान देने हेतु इच्छा प्रकट की और बयान दिया कि इस विवाद में कुछ बदलाव कर श्रम मंत्रालय द्वारा इस अधिकरण को भेजा गया है इसलिए इस विवाद को बंद किया जाये। श्री कमल कांत त्यागी के इस बयान के आधार पर यह विवाद बंद किया जाता है तथा फाइल दाखिल दफतर की जाती है।

दिनांक 3-10-2007 संत सिंह बल, पीठासीन अधिकारी
नई दिल्ली, 30 अक्टूबर, 2007

का.आ. 3372.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मै. सनसाइन इंटरप्राइजेज बनाम मै. इंडियन एयरलाइंस के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, नई दिल्ली-1 के पंचाट (संदर्भ संख्या 76/2003) को प्रकाशित करती है, जो केन्द्रीय सरकार को 29-10-2007 को प्राप्त हुआ था।

[सं. एल-11012/12/2003-आई आर (सी-1)]
स्नेह लता जवास, डेस्क अधिकारी

New Delhi, the 30th October, 2007

S.O. 3372.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 76/2003) of the Central Government Industrial Tribunal/Labour Court, New Delhi-I now as shown in the Annexure in industrial dispute between the employers in relation to the management of M/s. Sunshine Enterprises by M/s. Indian Airlines and their workman, which was received by the Central Government on 29-10-2007.

[No. L-11012/12/2003-IR (C-1)]

SNEH LATA JAWAS, Desk Officer

अनुबंध

समक्ष श्री संत सिंह बल, पीठासीन अधिकारी केन्द्रीय
सरकार औद्योगिक अधिकरण एवं श्रम मंत्रालय संख्या 1
आर के पुरम, नई दिल्ली

औद्योगिक विवाद संख्या 76/2003

अशोक कुमार,
796 पाकेट न.1, पश्चिम पुरी,
नई दिल्ली-63

.....कर्मकार

बनाम

महाप्रबंधक,
मैसर्स इण्डियन एअरलाइंस,
आई जी आई टर्मिनल I,
पालम नई दिल्ली

.....प्रबंधक

उपस्थित: श्री कमलकांत त्यागी वकील प्रबंधक

पंचाट

केन्द्रीय सरकार श्रम मंत्रालय द्वारा आदेश संख्या
एल- 11012/12/2003-आई आर सी-1 दिनांकित 28-05-2003 के
तहत निम्नलिखित विवाद न्यायनिर्णयन हेतु भेजा गया :-

"Whether the demand of Shri Ashok Kumar, Contract
Labour of M/s Sunshine Interprises under the Indian
Airlines New Delhi for reinstatement/regularization of his
services by Indian Airlines is justified? If yes, to what
relief is the workman entitled and from what date?

विवाद पंजीकृत करने के उपरान्त दोनों पक्षों को नोटिस भेजा
गया। कर्मचारी द्वारा अपने दावे का विवरण प्रस्तुत किया गया है।
प्रयोजक पक्ष ने एक प्रार्थना पत्र पेश कर इस विवाद को यहीं पर
रोकने का आग्रह किया है तथा उच्च न्यायालय के आदेश की
प्रमाणित प्रति पेश करने के लिए समय मांगा। आज दिनांक 3-10-2007
को श्री कमल कांत त्यागी ने अपना बयान देने हेतु इच्छा प्रकट की
और बयान दिया कि इस विवाद में कुछ बदलाव कर श्रम मंत्रालय द्वारा
इस अधिकरण को भेजा गया है इसलिए इस विवाद को बंद किया
जाये। श्री कमल कांत त्यागी के इस बयान के आधार पर यह विवाद
बंद किया जाता है तथा फाइल दाखिल दफतर की जाती है।

दिनांक 3-10-2007

संत सिंह बल, पीठासीन अधिकारी

नई दिल्ली, 31 अक्टूबर, 2007

का.आ. 3373.—औद्योगिक विवाद अधिनियम, 1947 (1947
का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार स्टेट बैंक ऑफ
इंडिया के प्रबंधन के संबंधित नियोजकों और उनके कर्मचारों के बीच,
अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक
अधिकरण सं. I, नई दिल्ली के पंचाट (संदर्भ संख्या 04/2007) को
प्रकाशित करती है, जो केन्द्रीय सरकार को 31-10-2007 को प्राप्त
हुआ था।

[सं. एल-12012/87/2006-आई आर (बी-1)]

अजय कुमार, डेस्क अधिकारी

New Delhi, the 31st October, 2007

S.O. 3373.—In pursuance of Section 17 of the
Industrial Disputes Act, 1947 (14 of 1947), the Central
Government hereby publishes the Award (Ref. No. 04/2007)
of Central Government Industrial Tribunal No. I,
New Delhi, as shown in the Annexure in the industrial

dispute between the management of State Bank of India,
and their workman, received by the Central Government on
31-10-2007.

[No. L-12012/87/2006-IR (B-1)]

AJAY KUMAR, Desk Officer

ANNEXURE

**BEFORE SHRI SANT SINGH BAL, PRESIDING
OFFICER**

**CENTRAL GOVT. INDUSTRIAL TRIBUNAL NO. I,
NEW DELHI**

I.D. No. 4/2007

In the matter of dispute between :

Shri A.K. Malhotra Through
The Sr. Vice President,
All India State Bank of India
Staff Federation, 1st Floor,
State Bank of India, Local Head Office,
Pt. Jawahar Lal Marg,
Bhubaneswar-751001
Bhubaneswar (Orissa)

.....Workman

Versus

The Dy. Managing Director cum Corporate
Development Officer,
State Bank of India,
Corporate Office,
Mandadme Came Road,
Mumbai.

.....Management

Appearances :—None.

AWARD

The Central Government in the Ministry of Labour
vide its Order No. L- 12012/87/2006-IR(B-1) dated
15-1-2007 has referred the following industrial dispute to
this Tribunal for adjudication :—

"Whether the action of the management of State Bank
of India in starting the parallel proceedings against the
workmen i.e. S/Shri A.K. Malhotra, G.N. Parashar, G. Sharma,
M.C. Sharma, Gopal Lal Meena, Ved Prakash Sharma, Tej
Singh Ram, Vikram Singh, Prakash Bharti and B.L. Kanojia
is legal and justified? If not to what relief the workmen are
entitled to?"

2. Reference as received 12-2-07 and notice to the
parties was ordered to be issued for filing of claim on
18-4-2007. None for the workman appeared on 18-4-2007,
14-6-07, 16-8-2007 and today also none for the workmen
appeared despite registered A.D. notice dated 17-8-07 It is
2:30 pm. It appears that the workmen are not taking interest
in the prosecution of the reference. Hence, No Dispute
award is passed. File be consigned to record room.

Dated. 22-10-2007

SANT SINGH BAL, Presiding Officer

नई दिल्ली, 31 अक्टूबर, 2007

का.आ. 3374.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार नेशनल इण्डस्ट्रियल डवलपमेन्ट कॉर्पोरेशन लिमिटेड के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण नं. 2, धनबाद के पंचाट (संदर्भ संख्या 63/2005) को प्रकाशित करती है, जो केन्द्रीय सरकार को 31-10-2007 को प्राप्त हुआ था।

[सं. एल-42012/300/2003-आई आर (सीएम-II)]

अजय कुमार गौड़, डेस्क अधिकारी

New Delhi, the 31st October, 2007

S.O. 3374.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 63/2005) of the Central Government Industrial Tribunal-cum-Labour Court No. 2, Dhanbad as shown in the Annexure in the industrial dispute between the management of National Industrial Development Corporation Ltd., and their workman, which was received by the Central Government on 31-10-2007.

[No. L-42012/300/2003-IR (CM-II)]

AJAY KUMAR GAUR, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT

INDUSTRIAL TRIBUNAL (NO. 2) AT

DHANBAD

PRESENT:

Shri Nagendra Kumar, Presiding Officer

In the matter of an Industrial Dispute under Section 10(1) (d) of the I. D. Act., 1947.

Reference No. 63 of 2005

PARTIES: Employers in relation to the management of National Industrial Development Corporation Ltd. and their workman.

APPEARANCES

On behalf of the workmen : None

On behalf of the employers : None

State : Jharkhand

Industry : Industrial Development

Dated, Dhanbad, the 23rd October, 2007

AWARD

The Government of India, Ministry of Labour & employment, in exercise of the powers conferred on them under Section 10(1)(d) of the I. D. Act, 1947 has referred the following dispute to this Tribunal for adjudication *vide* their order No. L-42012/300/2003-IR (CM-II) dated 10th June, 2005.

SCHEDULE

"Whether the termination of Shri Sudipta Roy, Peon by the management of National Industrial Development Corporation Ltd., Ranchi on 27-10-1990 is legal and justified? If not, to what relief he is entitled?"

2. In this case the concerned workman only appeared once but subsequently failed to appear before the Tribunal.

Management side also failed to appear before this Tribunal. However, it transpires from the record that a letter has been received from the management along with a copy of order dt. 13-1-2005 of Hon'ble High Court of Judicature at New Delhi wherein the Hon'ble Court has passed order to wind up the Company i.e. the employers in the instant reference. It also further appears that in view of the said order of the Hon'ble Court and pursuant to the decision taken by the Government of India and Board of Directors all the employees have opted for voluntary Separation Scheme and they are no longer in employment of the management.

In view of the facts and circumstances, as the Company has been wound up and as the concerned workman failed to appear subsequently to his first appearance before this Tribunal inspite of issuance of notices, a 'No dispute' Award is passed in this case presuming non-existence of any industrial dispute between the parties.

NAGENDRAKUMAR, Presiding Officer.

नई दिल्ली, 1 नवम्बर, 2007

का.आ. 3375.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एअर इंडिया के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नई दिल्ली-1, धनबाद के पंचाट (संदर्भ संख्या 237/99) को प्रकाशित करती है, जो केन्द्रीय सरकार को 31-10-2007 को प्राप्त हुआ था।

[सं. एल-11012/52/99-आई आर (सी-1)]

स्नेह लता जवास, डेस्क अधिकारी

New Delhi, the 1st November, 2007

S.O. 3375.— In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 237/99) of the Central Government Industrial Tribunal-cum-Labour Court New Delhi-I, now as shown in the Annexure in the industrial dispute between the employers in relation to the management of Air India and their workman, which was received by the Central Government on 31-10-2007.

[No. L-11012/52/99-IR (C-I)]

SNEH LATA JAWAS, Desk Officer

ANNEXURE

BEFORE SHRI SANT SINGHBAL, PRESIDING OFFICER

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 1, NEW DELHI

I.D. No. 237/99

In the matter of dispute between :

Shri Devender Kumar
S/o Shri Ram Chander,
T-73, East Mehram Nagar,
Palam Airport,
New Delhi.

... Workman

Versus

The General Manager,
Personal, S.H.R.,
Air India, I.G.I. Airport,
Terminal- II,
New Delhi - 110010.

... Management

APPEARANCES

Workman in person.

Shri V. P. Gaur A/R for management.

AWARD

The Central Government in the Ministry of Labour vide its Order No. L-11012/52/99 (C-1) dated 3-12-99 has referred the following industrial dispute to this Tribunal for adjudication :-

“Whether the action of the management of Air India, I.G.I. Airport, New Delhi in not regularizing Shri Davinder Kumar s/o Shri Ram Chander, Casual Loader w.e.f. 25-5-85 is justified and legal? If not, what relief the workman is entitled to and from what date?”

2. Brief facts to this case as culled from record are that the workman was employed as casual worker and he has been working continuously from 25-5-85 till 1989. He has completed more than 240 days as on 31-12-87. Hence he is entitled to be absorbed/regularized in the employment of Air India but the management has not regularized his services which resulted in the above dispute referred for adjudication. It is further stated that (1) to regularize them from the date of their recruitment (2) to pay them same wages as paid to their permanent counter parts from the date of their initial recruitment (3) To restrain the management of Air India from transferring its Units to the International Airport Authority of India and (4) to restrain the International Airport Authority of India from getting work done from private contractor. The workman was one of the concerned workmen in the said industrial dispute at serial No. 33 of Annexure II to the said reference. In the Annexure II to reference order the date of joining of workman is shown as 26-5-85 and number of days worked are shown as 328 days. That the Industrial dispute was numbered as I.D.No. 99/87 and this Tribunal was pleased to pass award dated 4-3-1991. The award was passed in terms of the scheme of regularization brought out by the Air India Management. It is further stated without prejudice to the above that the workman had rendered continuous services as contemplated under Section 25-B of the I.D. Act. The management gave deliberate breaks in service just to deny the legal right to regularization or permanency of job and in view of continuous services for long period a right to permanency of job accrued to the workman. Hence he was otherwise eligible to be considered for consideration to regularization. The management kept on regularizing casuals in a phased manner and in July, 1997 casuals were regularized. The action of the management amounts to unfair labour practice. The management even refused to entertain the letters of the workman vide letter dated 24-5-98 and therefore he raised the above dispute. The action of the management is, therefore, unjustified and illegal being in negation of the provisions of the I. D. Act. In view of the above the workman has sought an

award in his favour directing the management to regularize his services w.e.f. 25-5-85 and with consequential benefits of wages.

3. Claim was contested by the management by filing written statement raising preliminary objection that the claimant has worked as casual worker with the management only in the year 1985, 1986 and 1988. Thereafter, he abandoned the work of his own. Workman is not entitled to regularization as per scheme as he has not completed requisite number of 240 days on 31-12-87 till then he has only worked for 220 days and as such he is not entitled to be regularized as claimed. Claim of the workman that he has worked for 320 days as per annexure II is contrary to the record and is denied. It is also denied that he has not worked for more less than 240 days as on 31-12-87, that he was eligible for regularization in terms of the award dated 4-3-91. It is also denied that the management ever admitted that the workman has worked for 328 days prior to 31-12-87. His claim is false and is contrary to record of the management and is denied as false being contrary to the record. It is also denied that the workman was paid salary on monthly basis or that he rendered continuous service as claimed. He only worked intermittently in the year 1985 to 1987 and in fact has not reported for work even for a single day in the year 1987. It is denied that the management indulged in any unfair labour practice by not regularizing the workman. Management has regularized all those eligible workman in terms of award dated 4-3-91. It is further stated that 112 writ petitioners were regularized subject to Air India Recruitment Procedure in terms of clause VI of the Scheme and such regularization was completed by 1993 and the workman who were regularized in July, 97 were a different set of workman, being regularized pursuant to order of Hon'ble High Court of Delhi in CWP No. 2121/95 the workman has no cause of action to raise the present dispute. His claim is otherwise totally barred by delay and liable to be dismissed. In view of the above the claim is sought to be dismissed.

4. Written statement was followed by rejoinder wherein the controverted facts of the written statement were refuted and those of the claim statement were reiterated to be correct.

5. After completion of pleadings the case was fixed for evidence and management examined Shri Azeem Akbar as MW1 in support of its case while the workman examined himself as WW1 in support of his case.

6. I have heard the workman in person, Shri V. P. Gaur A/R for the management and have gone through the record meticulously.

7. The workman in order to be regularized is required to complete 240 days as on 31st December, 1987 according to the above said terms. The workman claims that he has worked for 328 days till December, 1987 but the management denies that he has worked for 328 days but claims that he has worked only for 222 days during the entire span of service in Air India as on 31-12-87 and has not worked for 240 days as required during the said period. The management has also filed the extract of his attendance from his attendance register which shows that during the year 1985 the workman has worked for 57 days and that during the year 1986 he has worked for 165 days. Thus

according to management he has worked only for 222 days during the entire period and not worked for 240 days in any year. Workman has failed to prove that he has worked for 240 days during the entire period of service and thus in my view he is not entitled to be regularized in view of the scheme dated 10-5-90 as mentioned vide award dated 4-3-91. The workman is not entitled to any relief of regularization. Award is accordingly passed. File be consigned to record room.

SANT SINGH BAL, Presiding Officer

Dated 18-10-07

नई दिल्ली, 1 नवम्बर, 2007

का.आ. 3376.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार भा. को. को. लि. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय धनबाद-II के पंचाट (संदर्भ संख्या 73/2005) को प्रकाशित करती है, जो केन्द्रीय सरकार को 31-10-2007 को प्राप्त हुआ था।

[सं. एल-20012/8/2005-आई आर (सी-1)]

स्नेह लता जवास, डेस्क अधिकारी

New Delhi, the 1st November, 2007

S.O. 3376.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 73/2005) of the Central Government Industrial Tribunal-cum-Labour Court, Dhanbad-II now as shown in the Annexure in the industrial dispute between the employers in relation to the management of BCCL and their workman, which was received by the Central Government on 31-10-2007.

[No. L-20012/8/2005-IR (C-1)]

SNEH LATA JAWAS, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (No. 2) AT DHANBAD PRESENT:

Shri Nagendra Kumar, Presiding Officer

In the matter of an Industrial Dispute under Section 10(1) (d) of the I. D. Act, 1947.

Reference No. 73 of 2005

PARTIES: Employers in relation to the management of BCCL's W. W. Zone and their workman.

APPEARANCES

On behalf of the workmen : None
On behalf of the employers : Mr. U. N. Lall, Advocate.
State : Jharkhand
Industry : Coal.

Dated, Dhanbad, the 23rd October, 2007

AWARD

The Government of India, Ministry of Labour & Employment, in exercise of the powers conferred on them under Section 10(1) (d) of the I. D. Act, 1947 has referred

the following dispute to this Tribunal for adjudication vide their order No. L-20012/8/2005- I. R. (C-1) dated, the 19th July, 2005.

SCHEDULE

"Whether the action of the management of M/s Dugda Coal Washery of M/s. BCCL in not providing, employment to Jharo Kumar D/o Late Shanti Kapin is fair and justified? If not to what relief is the said Jharo Kumari entitled?

2. In this case neither the concerned workman nor his representative appeared before this Tribunal. Management side, however, made appearance through their authorised representative. It transpires from the record that registered notices and show cause notice were issued consecutively to the concerned workman/sponsoring union. In terms of Rule 10B of the I. D. Central Rules, 1957 it is mandatory on the part of the concerned workman/sponsoring union to file Statement of claim, list of reliance, documents evidence etc. Before the Tribunal within 15 days from the date of receipt of the order of reference. The concerned workman/sponsoring union not only violated the above rules but also even did not consider necessary to respond to the notices issued by this Tribunal. Gesture of the workman/sponsoring union if is taken into consideration will expose clearly that they are not interested to proceed with the hearing of this case.

Under such circumstances, this Tribunal finds no ground to adjourn the case suo moto for months together. Hence, the case is closed and a 'No dispute' Award is passed in this reference presuming non-existence of any Industrial dispute between the parties.

NAGENDRA KUMAR, Presiding Officer

नई दिल्ली, 1 नवम्बर, 2007

का.आ. 3377.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार भा. को. को. लि. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय अधिकरण धनबाद-II के पंचाट (संदर्भ संख्या 77/2005) को प्रकाशित करती है, जो केन्द्रीय सरकार को 31-10-2007 को प्राप्त हुआ था।

[सं. एल-20012/42/2005-आई आर (सी-1)]

स्नेह लता जवास, डेस्क अधिकारी

New Delhi, the 1st November, 2007

S.O. 3377.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 77/2005) of the Central Government Industrial Tribunal-cum-Labour Court, Dhanbad-II now as shown in the Annexure in the industrial dispute between employers in relation to the management of BCCL and their workman, which was received by the Central Government on 31-10-2007.

[No. L-20012/42/2005-IR (C-1)]

SNEH LATA JAWAS, Desk Officer

**ANNEXURE
BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL (NO. 2) AT
DHANBAD
PRESENT:**

Shri Nagendra Kumar, Presiding Officer

In the matter of an Industrial Dispute under Section 10(1) (d) of the I. D. Act, 1947.

Reference No. 77 of 2005

PARTIES: Employers in relation to the management of M/s. BCCL's Block II Area and their workman.

APPEARANCES

On behalf of the workman : None
On behalf of the employers : Mr. D. K. Verma,
Advocate.
State : Jharkhand
Industry : Coal.

Dated, Dhanbad, the 23rd October, 2007

AWARD

The Government of India, Ministry of Labour and Employment, in exercise of the powers conferred on them under Section 10(1) (d) of the I.D. Act, 1947 has referred the following dispute to this Tribunal for adjudication vide their order No. L-20012/42/2 005- I.R.(C-I) dated, the 26th July, 2005.

SCHEDULE

"Whether the demand of the Rashtriya Colliery Mazdoor Congress from the management of BCCL Block-II Area that the anomaly in the fixation of pay of S/Sh. N. K. Jha, A. Raza Ansari and P.C. Jha Forman I/C w.e.f. 1-6-96 vis-a-vis their juniors may be rectified, is justified? If so, to what relief are the workmen entitled?"

2. In this case neither the concerned workman nor his representative appeared before this Tribunal. Management side, however, made appearance through their authorised representative. It transpires from the record that registered notices and show cause notice were issued consecutively to the concerned workman/sponsoring union. In terms of Rule 10B of the I.D. Central Rules, 1957 it is mandatory on the part of the concerned workman/sponsoring union to file Statement of claim, list of reliance, documents evidence etc. before the Tribunal within 15 days from the date of receipt of the order of reference. The concerned workman/sponsoring union not only violated the above rules but also even did not consider necessary to respond to the notices issued by this Tribunal. Gesture of the workman/sponsoring union if is taken into consideration will expose clearly that they are not interested to proceed with the hearing of this case.

Under such circumstances, this Tribunal finds no ground to adjourn the case suo moto for months together. Hence, the case is closed and a 'No dispute' Award is passed in this reference presuming non existence of any industrial dispute between the parties.

NAGENDRA KUMAR, Presiding Officer.

नई दिल्ली, 1 नवम्बर, 2007

का.अ. 3378 — औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार भा. को. लि. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय धनबाद-II के पंचाट (संदर्भ संख्या 99/2005) को प्रकाशित करती है, जो केन्द्रीय सरकार को 31-10-2007 को प्राप्त हुआ था।

[सं. एल-20012/108/2005-आई आर(सी-1)]

स्नेह लता जवास, डेस्क अधिकारी

New Delhi, the 1st November, 2007

S.O. 3378.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 99/2005) of the Central Government Industrial Tribunal/Labour Court Dhanbad-II as shown in the Annexure in industrial dispute between the employers in relation to the management of BCCL and their workman, which was received by the Central Government on 31-10-2007.

[No. L-20012/108/2005-IR(C-I)]

SNEH LATA JAWAS, Desk Officer

ANNEXURE

**BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL (NO. 2) AT
DHANBAD**

PRESENT:

Shri Nagendra Kumar, Presiding Officer

In the matter of an Industrial Dispute under Section 10(1) (d) of the I. D. Act, 1947.

Reference No. 99 of 2005

PARTIES: Employers in relation to the management of M/s. BCCL's W. J. Area and their workman.

APPEARANCES

On behalf of the workman : None
On behalf of the employers : Mr. U. N. Lall, Advocate.
State : Jharkhand
Industry : Coal.

Dated, Dhanbad, the 23rd October, 2007

AWARD

The Government of India, Ministry of Labour and Employment, in exercise of the powers conferred on them under Section 10(1) (d) of the I. D. Act, 1947 has referred the following dispute to this Tribunal for adjudication vide their order No. L-20012/108/2005-I.R. (C-I) dated the 2nd November, 2005.

SCHEDULE

"Whether the action of the management of BCCL, 20/21 Pits Muralidih to dismiss Sri Sona Ram Manjhi, Miner/Loader Personal No. 02983435 only vide order dt. 26-6-2004/2-2-2004 is fair and justified? If not, to what relief is the workman entitled?"

2. In this case neither the concerned workman nor his representative appeared before this Tribunal. Management side, however, made appearance through their authorised representative. It transpires from the record that registered notices and show cause notice were issued consecutively to the concerned workman/sponsoring union. In terms of Rule 10B of the I.D. Central Rules, 1957 it is mandatory on the part of the concerned workman/sponsoring union to file Statement of claim, list of reliance, documents evidence etc. before the Tribunal within 15 days from the date of receipt of the order of reference. The concerned workman/sponsoring union not only violated the above rules but also even did not consider necessary to respond to the notices issued by this Tribunal. Gesture of the workman/sponsoring union if is taken into consideration will expose clearly that they are not interested to proceed with the hearing of this case.

Under such circumstances, this Tribunal finds no ground to adjourn the case suo moto for months together. Hence, the case is closed and a 'No dispute' Award is passed in this reference presuming non-existence of any industrial dispute between the parties.

NAGENDRA KUMAR, Presiding Officer

नई दिल्ली, 1 नवम्बर, 2007

का.आ. 3379.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार भा. को. को. लि. के पंचाट के संयुक्त नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय धनबाद-II के पंचाट (संदर्भ संख्या 96/2005) को प्रकाशित करती है, जो केन्द्रीय सरकार का 31-10-2007 को प्राप्त हुआ था।

[सं. एल-20012/254/2003-आई.आर.(सी-1)]

स्नेह लता जवास, डेस्क अधिकारी

New Delhi, the 1st November, 2007

S.O. 3379.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref.No. 96/2005) of the Central Government Industrial Tribunal/Labour Court, Dhanbad II now as shown in the Annexure in the industrial dispute between the employers in relation to the management of BCCL and their workman, which was received by the Central Government on 31-10-2007.

[No. L-20012/254/2003-IR (C-1)]

SNEH LATA JAWAS, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (No. 2) AT DHANBAD PRESENT:

Sbri Nagendra Kumar, Presiding Officer
In the matter of an Industrial Dispute under
Section 10(1)(d) of the I. D. Act, 1947.

Reference No. 96 of 2005

PARTIES: Employers in relation to the management of M/s. BCCL's Jealgora Colliery and their workman.

APPEARANCES

On behalf of the workmen : None

On behalf of the employers : None

State : Jharkhand

Industry : Coal.

Dated, Dhanbad, the 23rd October, 2007

AWARD

The Government of India, Ministry of Labour and Employment, in exercise of the powers conferred on them under Section 10(1) (d) of the I. D. Act, 1947 has referred the following dispute to this Tribunal for adjudication vide their order No. L-20012/254/2003-I.R. (C-1) dated the 2nd November, 2005.

SCHEDULE

"Whether the action of the management of BCCL, Jealgora Colliery, in withdrawing the practice of payment of extra 'hazree' for 'gutka' to the Traminers is justified? If not, to what relief are the workman concerned entitled?"

2. In this case neither the concerned workman nor his representative appeared before this Tribunal. None also appeared on behalf of the management. It transpires from the record that registered notices and show cause notice were issued to the concerned workman/sponsoring union for causing their appearance before this Tribunal. It also further reveals from the record that the concerned workman/sponsoring union not only failed to comply with Rule 10B of the I.D. (Central) Rules, 1957 but also even did not consider necessary to respond to the notices issued by this Tribunal. Management side also failed to appear before this Tribunal inspite of issuance of notices to them. Therefore, if gesture of both sides is taken into consideration it will expose clearly that they are not interested to proceed with the hearing of his case. Under such circumstances, this Tribunal finds no ground to adjourn the case suo moto for months together. Hence, the case is closed and a 'No dispute' Award is passed in this reference presuming non-existence of any industrial dispute between the parties.

NAGENDRA KUMAR, Presiding Officer

नई दिल्ली, 1 नवम्बर, 2007

का.आ. 3380.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार ईस्को लि. के पंचाट के संयुक्त नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय धनबाद-II के पंचाट (संदर्भ संख्या 23/2001) को प्रकाशित करती है, जो केन्द्रीय सरकार को 31-10-2007 को प्राप्त हुआ था।

[सं. एल-20012/420/2000-आई.आर.(सी-1)]

स्नेह लता जवास, डेस्क अधिकारी

New Delhi, the 1st November, 2007

S.O. 3380.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 23/2001) of the Central Government Industrial Tribunal-cum-Labour Court Dhanbad II now as shown in the Annexure in the industrial dispute between the management of IISCO and their workmen, which was received by the Central Government on 31-10-2007.

[No. L-20012/420/2000-IR(C-1)]
SNEH LATA JAWAS, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL(No.2) AT DHANBAD

PRESENT:

Shri Nagendra Kumar, Presiding Officer

In the matter of an Industrial Dispute under Section 10(1) (d) of the I. D. Act., 1947.

Reference No. 23 of 2001

PARTIES: Employers in relation to the management of IISCO and their workmen.

APPEARANCES

On behalf of the workmen : Mr. B. B. Pandey,
Advocate

On behalf of the employers : Mr. D. K. Verma,
Advocate

State : Jharkhand

Industry : Coal.

Dated, Dhanbad, the 23rd October, 2007

AWARD

The Government of India, Ministry of Labour & Employment, in exercise of the powers conferred on them under Section 10(1) (d) of the I. D. Act., 1947 has referred the following dispute to this Tribunal for adjudication *vide* their Order No. L-20012/420/2000- I. R. (C-1) dated, the 25th January, 2001.

SCHEDULE

“Whether the demand of the union that the workman Sri Ananta Bouri, Mech. Fitter Cat. IV of Noonoodih Jitpur Colliery of M/s. Indian Iron and Steel Co. Ltd may be regularised in Gr. VI/Gr. “C” (Tech.) Is justified? If so, to what relief is the workman entitled and from what date?”

2. In this case both the parties appeared and filed their respective Written Statement, Documents etc. Thereafter the case proceeded along its course. Subsequently at the stage of evidence a Memorandum of Settlement was filed by the parties under their signature. The concerned workman involved in the was interrogated about the terms of settlement to which he expressed his satisfaction. Perused the said Memorandum of settlement and heard both sides. I find that the terms of settlement are fair, proper and in accordingly said Memorandum of settlement is accepted and an Award is passed in terms thereof which forms part of the Award as Annexure.

NAGENDRA KUMAR, Presiding Officer

ANNEXURE

Memorandum of settlement arrived between the Management of SAIL-ISP, Noonodih-Jitpur Colliery and its workman namely Sri Ananta Bouri, P. No. 1504, Mech., Fitter.

Representing Management Representing Workman

Sri C. M. Chacko

Sri Ananta Bouri

Manager (Pers.)

P. No. 1504

IISCO

Mech. Fitter

Noondin-Jitpur Colliery

N/ Jitpur Colliery

Short Recital of the Case

Sri Ananta Bouri, P. No. 1504, Mechanical Fitter, Jitpur Colliery had raised an Industrial Dispute before the Asstt. Labour Commissioner (Central), Dhanbad for his promotion from Cat.- IV to Cat.-VI. The conciliation proceeding ended in failure as Management was not agreeable to consider the demand. Subsequently the Ministry of Labour has referred the matter for adjudication to the Central Government Industrial Tribunal No. 2 Dhanbad and the proceeding of the case is going on (Reference No. 23/2001). However, the parties have mutually agreed for an out of the Court settlement to resolve the issue as per the following terms:—

Terms of Settlement

1. That, Sri Ananta Bouri, P. No. 1504 will be upgraded to S-5- Grade as Mech. Fitter w. e. f. 1-7-2007 and the monetary benefit will accrue from the date of signing the settlement.

2. That, this settles the dispute in toto.

3. That, a copy of the settlement will be submitted before the Presiding Officer CGIT No.2, Dhanbad to pass the Settlement Award accordingly in Ref. No. 23/2001.

Signature of Management

(C.M. Chacko)

Signature of Workman

(Ananta Bouri)

Witness:—

1. N. L. Prasad,
I.N.C.M.E.W.A.

2.....

नई दिल्ली, 1 नवम्बर, 2007

का.आ. 3381.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार माइनिंग एण्ड एलाइड मशीनरी कां. लि., के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय धनबाद II के पंचाट (संदर्भ संख्या 81/2003) को प्रकाशित करती है, जो केन्द्रीय सरकार को 31-10-2007 को प्राप्त हुआ था।

[सं. एल-20012/22/2003-आई आर(सी-1)]

स्नेह लता जवास, डेस्क अधिकारी

New Delhi, the 1st November, 2007

S.O. 3381.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 81/2003) of the Central Government Industrial Tribunal/Labour Court, Dhanbad II now as shown in the Annexure in the industrial dispute between the employers in relation to the management of Mining and Allied Machinery Co. Ltd. and their workman, which was received by the Central Government on 31-10-2007.

[No. L-20012/22/2003-IR (C-I)]

SNEH LATA JAWAS, Desk Officer

**ANNEXURE
BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL (No. 2) AT
DHANBAD
PRESENT**

Shri Nagendra Kumar, Presiding Officer

the matter of an Industrial Dispute under Section 10(1)
(d) of the I. D. Act., 1947.

Reference No. 81 of 2003

PARTIES Employers in relation to the management
of Mining and Allied Machinery
Corporation Ltd. Durgapur.

APPEARANCES

On behalf of the workmen : Mr. S. N. Ghosh,
Advocate
On behalf of the employers : None
State : Jharkhand Industry : Mining and
Allied Machinery.

Dated, Dhanbad, the 23rd October, 2007

AWARD

The Government of India, Ministry of Labour & Employment, in exercise of the powers conferred on them under Section 10(1)(d) of the I. D. Act., 1947 has referred the following dispute to this Tribunal for adjudication vide their order No. L-20012/22/2003- I. R. (C-I) dated, the 19th August, 2003.

SCHEDULE

"Kya Messrs. Mining and Allied Machinery Corporation Ltd. (M.A.M.C) ke Pravandhan dwara Shri Sohan Mahato evem Suchi Anusar anya 8 casual labour jinka nam company ke muster roll mein hai, ko sansthan ke ewaz mein muawza na diya jana uchit evam nayya sangat hain ? yadi nahi to karmkar kin lavo ko pans ke hakdar hain ?"

2. In this reference only the workman side appeared before this Tribunal and filed Written Statement, documents etc. Management side failed to appear inspite of issuance of notices. Thereafter the case proceeded along its course and subsequently the case was fixed for exparte evidence of the workman. On that very day the I.d. Advocate for the workmen appeared and filed certified copy of order passed by the official Liquidator, Hon'ble High Court Kolkata but the concerned workmen failed to

appear before the Tribunal although Regd. notice was issued to them.

Under the above facts and circumstances, as the concerned workmen or their sponsoring union failed to appear before this Tribunal inspite of issuance of Reg. Notice, a 'No dispute' Award is passed in this reference presuming non-existence of any industrial dispute between the parties.

NAGENDRA KUMAR, Presiding Officer

LIST OF WORKMEN

1. Tushar Kanti Mishra.
2. Subal Lohar.
3. Mohitosh Mishra.
4. Madan Prasad.
5. Sohan Mahto.
6. Baijnath Mahato.
7. Naresh Prasad Pandey
8. Shivdayal Mahato.
9. Dhiren Manzi.

नई दिल्ली, 2 नवम्बर, 2007

क्र.आ. 3382.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार भा.को.को.लि. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण श्रम न्यायालय धनबाद-1 के पंचाट (संदर्भ संख्या 186/99) को प्रकाशित करती है, जो केन्द्रीय सरकार को 29-10-2007 को प्राप्त हुआ था।

[सं. एल-20012/203/99-आई. आर.(सी-1)]

स्नेह लता जवास, डेस्क अधिकारी

New Delhi, the 2nd November, 2007

S.O. 3382.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 186/99) of the Central Government Industrial Tribunal/Labour Court, Dhanbad II as shown in the Annexure in the industrial dispute between the management of BCCL and their workman, which was received by the employers in relation to the Central Government on 29-10-2007.

[No. L-20012/203/99-IR (C-I)]

SNEH LATA JAWAS, Desk Officer

ANNEXURE

**BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL No. 1,
DHANBAD**

In the matter of a reference U/s. 10(1)(d) (2A) of
Industrial Disputes Act, 1947

Reference No. 186 of 1999.

PARTIES Employers in relation to the management
of 20/21 Pits of Murlidih Colliery of
M/s. BCCL

AND

Their Workmen.

Present:

Shri Sarju Prasad, Presiding Officer

Appearances

For the Employers : Shri H. Nath, Advocate.

For the Workman : Shri D. Mukherjee,
Secretary, Bihar Colliery
Kamgar Union.

State : Jharkhand : Industry : Coal.

Dated, the 10th April, 2006

AWARD

By Order No. L-20012/203/99-IR(C-I) dated 17-11-99 the Central Government in the Ministry of Labour has, in exercise of the powers conferred by clause (d) of sub-sec. (1) and sub-sec. (2A) of Section 10 of the Industrial Disputes Act, 1947, referred the following dispute for adjudication to this Tribunal :

क्या बी.सी.सी.एल., पश्चिम झरिया क्षेत्र के प्रबंधन द्वारा श्री एस. एस. चटर्जी को 01-7-97 से सेवा निवृत्त किया जाना, जबकि उनकी सेवा रिकार्ड में दर्ज जन्म तारीख 1942 है, न्यायोचित है ? यदि नहीं तो कर्मकार किस रहत के पात्र है ?

2. The case of the concerned workman, S. S. Chatterjee is that he had been working as permanent workman at 20/21 Pits Murlidih colliery since long. His date of birth/age and other particulars have been recorded in Form 'B' Register of the management maintained under 48 of the Mines Act at the time of entry into service. According to him, his date of birth has been recorded as that of the year 1942. In CMPF record his date of birth has been recorded as 1942 and in the Identity Card issued to the concerned workmen the same date of birth has been recorded. According to him, he appeared in the Matriculation Examination and in the Tabulation Register of BSEB also the same date of birth has been recorded. In spite of that the concerned workman has been superannuated w.e.f. 1-7-1997 whereas he ought to have been allowed to be in employment till 1-7-2002.

3. The case of the management, on the other hand, is that in Form 'B' Register of the company the age of the concerned workman has been recorded as 37 years as in the year 1974, which has been duly accepted by the concerned workman after putting his signature. The same age has been recorded in other statutory registers also. As per the decision taken by the Company that whenever age of the workman is mentioned in place of date of birth then it would be construed as 1st. July of that year. Thus, according to this decision the date of birth of the concerned workman is 1-7-1937 and the management has rightly superannuated him on completion of 60 years of age.

4. In order to prove the action of the management is properly justified they have produced Form 'B' Register from which it appears that the age of the concerned

workman has been recorded as 37 year in 1974. This age has been recorded both in figure as well in letter. The concerned workman was Foreman Incharge and is literate one and has put his signature in Form 'B' Register in token of acceptance of recording of his age. The same date of birth has been subsequently recorded in Murulidih 20/21 Pits Colliery and in this register also the concerned workman has put his signature. These are Exts. M-1 and M-2. In Ext. M-3 which is computerised Form 'B' Register the same age has been recorded. The management has given him a notice Ext. M-4 mentioning that he is going to superannuate w.e.f. 1-7-1997. Besides that a service excerpt Ext. M-5 was served upon the concerned workman in that also there is mention of the same age. Thus, it is apparent that the plea of the concerned workman that his date of birth has been recorded that of 1942 in the statutory Form 'B' is nothing but baseless and false.

5. The concerned workman has filed an Identity Card in order to prove that his year of birth has been recorded as '1942' but this Identity Card appears to be soiled for giving a look of being old and in some places there is look of fresh also. It appears that in the Identity Card the year of birth has been manipulated. Besides that the concerned workman has filed some form to refer entitled patients to Central Hospital in which his approximate age has been mentioned, but those forms are not statutory form and in the matter of fact Form 'B' register is statutory register and the age of the concerned workman has been recorded which has been accepted by the concerned workman by putting his signature. Besides that he has filed a horoscope which is of no help to him in view of the recording of his age in Form 'B' Register. Further it appears that this dispute has been referred to on 17-11-99 i.e. after more than two years of his superannuation. Therefore, I find that this reference has been made after much delay and it is settled principle of law that objection regarding recording of date of birth must be taken at an earliest and any dispute raised at the end of service for correction of age/date of birth cannot be entertained. Moreover, when there is recording of age in statutory Form 'B' Register which has been accepted by the concerned workman by putting his signature he cannot be allowed to dispute it after his retirement or at the end of retirement. Moreover, the concerned workman has claimed that he appeared in Matriculation Examination but he has not filed any Admit Card to prove his date of birth nor he has brought on record School Admission Register. Therefore, I find that the concerned workman has been rightly superannuated on attaining the age of 60 years by the management w.e.f. 1-7-1971 and the claim of the concerned workman is not at all justified.

6. In the result, I render following award—

The action of the management of M/s. B.C.C. Ltd., Western Jharia Area in superannuating S. S. Chatterjee w.e.f. 1-7-1997 is justified and he is not entitled to any relief.

SARJU PRASAD, Presiding Officer

नई दिल्ली, 5 नवम्बर, 2007

का.आ. 3383.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार कोम्बाटा एविएशन प्रा. लि., के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नई दिल्ली-1 के पंचाट (संदर्भ संख्या 33/2005) को प्रकाशित करती है, जो केन्द्रीय सरकार को 2-11-2007 को प्राप्त हुआ था।

[सं. एल-11012/43/2005-आई आर(सी-1)]

स्नेह लता जवास, डेस्क अधिकारी

New Delhi, the 5th November, 2007

S.O. 3383.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 33/2005) of the Central Government Industrial Tribunal/Labour Court New Delhi-1 now as shown in the Annexure in the industrial dispute between the employers in relation to the management of Combata Aviation Private Limited, and their workman, which was received by the Central Government on 2-11-2007.

[No. L-11012/43/2005-IR (C-1)]

SNEH LATA JAWAS, Desk Officer

ANNEXURE

**BEFORE SHRISANT SINGH BAL PRESIDING
OFFICER CENTRAL GOVERNMENT INDUSTRIAL
TRIBUNAL-CUM-LABOUR COURT NO. I TRIKUT-I
NEW DELHI-110066**

I.D. No. 33/2005

In the matter of dispute between :

अध्यक्ष,

कोम्बाटा एविएशन कर्मचारी यूनियन,

हाऊस नं. 407, मेन रोड,

बागडोला विपेज,

नई दिल्ली-110045

कर्मचारी

बनाम

एअरपोर्ट मैनेजर,

कोम्बाटा एविएशन प्रा. लि.,

आई जी आई एअरपोर्ट,

टर्मिनल-II,

लाईन मेनटेनेंस,

ब्लाक-ए,

नई दिल्ली-110037

नियोजक

Appearances :

Workmen namely S/Shri Dinesh Singh Negi President, Anand Singh Bisht General Secretary, Chander Parkash Treasurer, Shiv Kumar Vice President, Combata Aviation Karamchhari Union with Shri Deepak Sinha on behalf of the applicant/Combata Aviation Workers Association. Shri A.K. Srivastava A/R for the management.

AWARD

The Central Government in the Ministry of Labour vide its Order No. L-11012/43/2005-I.R.(C-1) dated 6-12-05 has referred the following industrial dispute to this Tribunal for adjudication:

"Whether the demands of the Combata Aviation Karamchhari Union from the management of Combata Aviation Pvt. Ltd. that :

- (i) The workmen may be provided medical facility for self and family at par with other Airlines; and
- (ii) The staff may be provided canteen facility; are justified? If so, to what relief are the workmen entitled?"

2. After receipt of reference and on completion of pleadings by both the parties claimant and management, an application claiming interim relief was filed by the workmen. Case was fixed for disposal of the said application when both the parties today on 23-10-07 claimant and A/R for the management appeared and filed an application for passing an award stating therein that the matter in dispute has been settled between them amicably vide settlement EX.A-1 arrived at between the parties and same be recorded. So their statement was recorded. Shri D.S.Negi President of the Karamchhari Union for the claimant made statement that a settlement has been arrived at between the parties amicably vide settlement Ex.A-1. similarly Shri Deepak Sinha A/R for the workmen association made statement that the matter has been settled and No Dispute Award be passed in view of their statement A No Dispute is passed in terms of settlement EX.A-1. File be consigned to record room.

Dated 23-10-07

SANT SINGH BAL, Presiding Officer
ANNEXURE-I

MEMORANDUM OF SETTLEMENT

Between the Management of Combata Aviation Private Limited, New Delhi represented by below mentioned/signed.

AND

The Combata Aviation Karamchhari Union (Regd.), New Delhi, hereinafter called the "Union" represented by the below mentioned/signed, office bearers of the Union.

Whereas, through the Settlement entered on 1st April, 2003 and valid upto 31st March, 2006 certain benefits were agreed to be granted to the Blue Collar Staff (i.e. Technician/Mechanic/Electrician/Operator, Driver, Driver cum-Utility Hand, Helper Assistant, Utility Hand-cum-Sweeper/Watchman, Utility Hand and Utility Hand-cum Office Boy) and since then there has been no labour unrest/agitation whatsoever of any kind relating to their wage revision.

And whereas after the expiry of earlier Settlement effective 1st April, 2003, and valid upto 31st March, 2006, the Union has approached the Management to review the existing monetary benefits of Blue Collar Staff. The Management in wider interest of the Company and whilst taking into consideration the financial constraints, has considered the Union's request to review the existing pay structure of Blue Collar Staff.

Accordingly, various issues were discussed at length in the meeting held with the Union's representatives on 13th September, 2007, and the parties mentioned herein have agreed to the following benefits for the Blue Collar staff. The increase will be applicable with effect from 1st April, 2006 to staff who had been confirmed as on 1st April, 2006.

- (1) For redeeming and improving the financial earnings of Blue Collar staff, there shall be no change in their categorization based on their length of service which is in practice, as on date, i.e.:
 - (a) 1 - 5 years of service
 - (b) 6 - 12 years of service
 - (c) 13 - 20 years of service above
 - (d) 20 years of service
- (2) There shall be increase in the Basic Salary and Allowances of the Blue Collar staff according to the length of the service mentioned above. The categorywise increase in the Basic salary and House Rent Allowance shall be given as per detailed in "Annexure A" (Page #4) to this settlement.
- (3) There shall be an increase in Leave Travel Assistance, Attendance Allowance, Meal Allowance, Tea/Coffee Allowance, Night Shift Allowance, Cleaning Allowance, Annual Attendance Bonus (Incentive) and Overtime Ceiling, as detailed in "Annexure B" (Page # 5) to this settlement.
- (4) The existing practice of giving Shoe Allowance to Blue Collar staff shall be discontinued with effect from April, 2008 and instead, the Management shall provide them Safety Shoes as per the mandatory requirement of various airlines as also in the interest of their overall safety.
- (5) Further, the Management agrees to give financial assistance upto a maximum of Rs. 1500 per year to Blue Collar staff towards Mediclaim Policy effective 1st April, 2007, subject to verification of the policy in the staff's name and upon submission of a true and correct copy of the policy to the Personnel Deptt. of the Company for record and reimbursement of the amount to the concerned employee.
- (6) Categorywise increase of Annual Increment shall remain unchanged.
- (7) Salaries etc. for all the Blue Collar staff will be deposited into their individual bank account at the Axis Bank Branch located at WZ-24 A, Palam Colony, New Delhi - 110045 by the 7th day of every month.

- (8) Overtime shall be payable at 1% of the basic salary (including DA+VDA) or to a maximum of Rs. 90 per hour, whichever is applicable.
- (9) It is agreed that there shall be no change of service rules/service conditions that have already been in practice or amended earlier to this Settlement except those as may become applicable on certification of the draft Standing Orders filed by the Management before the competent authority under the provisions of the Industrial Employment (Standing Orders) Act, 1946 and the Rules framed thereunder.
- (10) In consideration whereof, the Union assures the Management and undertakes that henceforth the Blue Collar staff shall not jointly and/or severally claim any other benefit or raise any dispute relating to their service conditions whatsoever and shall also not raise any fresh demands having financial implications during the currency of this Settlement. The Union further agrees and assures that the above Settlement shall be applicable to Blue Collar staff and/or any individual Blue Collar staff who is presently in the employment of the Management as on the date of execution of this Settlement and also to any individual who may join hereinafter and further any outsider or any agency/body will not be allowed by the Blue Collar staff to claim the right to represent them and/or the right to challenge, seek, modify or amend any provision of this Settlement.
- (11) The Union further agrees that this Settlement will be in full and final Settlement of the Industrial Disputes raised by them pertaining to (1) Charter of Demands and (2) provision of staff canteen and medical facilities to the staff which are, at present, sub-judice for adjudication before Mr. S.S. Bal, Presiding Officer, Central Government Industrial Tribunal and Labour Court located at Trikut Bhawan, III Floor, Bhikaji Cama Place, R.K. Puram, New Delhi-110022 vide I.D. No. 22/2006 and I.D. No. 33/2005.
- (12) The Union also agrees and undertakes that they shall file a copy of this Settlement in the above-mentioned Court requesting the Presiding Officer to pass in view of this settlement a "No Dispute Award" in the above-mentioned cases.
- (13) This settlement shall be subject to approval and passing of no dispute award, by the Hon'ble Central Government Industrial Tribunal and Labour Court, New Delhi, as mentioned above and shall be valid and applicable for a period of 3 (three) years w.e.f. April 1, 2006 to March 31, 2009. It is further agreed that no revision in this three years' Settlement will be made due to increase of business.

4569 21/07-6

ANNEXURE "A"

CATEGORYWISE INCREASE OF BASIC SALARY AND HOUSE RENT ALLOWANCE

BLUE COLLAR STAFF i.e. Technician/Mechanic/Electrician/Operator, Driver, Driver cum Utility Hand, Helper Assistant, Utility Hand cum Sweeper/Watchman, Utility Hand, Utility Hand cum Office Boy

LENGTH OF SERVICE

	1-5 YRS			6 - 12 YRS			13 -20 YRS			Above 20 YRS		
	Apr-2006	Apr-2007	Apr-2008	Apr-2006	Apr-2007	Apr-2008	Apr-2006	1/4/2007	Apr-2008	Apr-2006	Apr-2007	Apr-2008
	Mar-2007	Mar-2008	Mar-2009	Mar-2007	Mar-2008	Mar-2009	Mar-2007	Mar-2008	Mar-2009	Mar-2007	Mar-2008	Mar-2009
Basic	+1020	+200	+200	+1080	+210	+210	+1140	+220	+220	+1200	+230	+230
HRA	+680	+140	+140	+720	+140	+140	+760	+150	+150	+800	+160	+160

w. e. f. 1st April, 2006

ANNEXURE "B"

ANNUAL INCREASES PAYABLE

BLUE COLLAR STAFF

	Existing		Increase	Total	
	GR II/GR I	Others		GR II/GR I	Others
Meal Allowance (Per Month)	350/-	635/-	+125/-	475/-	760/-
Tea/Coffee Allowance (Per Month)	200/-	200/-	+50/-	250/-	250/-
Attendance Allowance (incentive) (Per Month)	350/-	500/-	+50/-	400/-	550/-
Night Shift Allowance (Per Night)	10/-	10/-	+5/-	15/-	15/-
Overtime Ceiling (Per Hour)	80/-	80/-	+10/-	90/-	90/-
Cleaning Allowance (Per Day)	20/-	20/-	+5/-	25/-	25/-
Leave Travel Assistance (Per Year)	2500/-	2500/-	+500/-	3000/-	3000/-
Annual Attendance Bonus (Incentive)	2000/-	2000/-	+1000/-	3000/-	3000/-

w.e.f. April 1, 2006

Note :— Attendance Allowance is an incentive which is admissible upon continuous presence and timely reporting on duty allocated besides the existing practice/condition.

This Memorandum of Settlement is made and signed on this 4th day October 2007.

For and on behalf of the
Cambata Aviation Karmchari Union (Regd.)

For and on behalf of the
Management

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नई दिल्ली, 5 नवम्बर, 2007

का.आ. 3384.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार कोम्बटा एविएशन प्रा. लि., के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नई दिल्ली-I के पंचाट (संदर्भ संख्या 22/2006) को प्रकाशित करती है, जो केन्द्रीय सरकार को 2-11-2007 को प्राप्त हुआ था।

[सं. एल-11012/3/2004-आई आर(सीएम-1)]

स्नेह लता जवास, डेस्क अधिकारी

New Delhi, the 5th November, 2007

S.O. 3384.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 22/2006) of the Central Government Industrial Tribunal-cum-Labour Court New Delhi-I now as shown in the Annexure in the industrial dispute between the employers in relation to the management of Combata Aviation Private Limited, and their workman, which was received by the Central Government on 2-11-2007.

[No. L-11012/3/2004-IR (CM-1)]

SNEH LATA JAWAS, Desk Officer

ANNEXURE

BEFORE SHRI SANT SINGH BAL PRESIDING
OFFICER CENTRAL GOVERNMENT INDUSTRIAL
TRIBUNAL No. I, NEW DELHI
I.D. No. 22/2006

In the matter of dispute between :

The General Secretary,
Combata Aviation Karamchari Union,
H.No.-407, Main Road,
Baghdola Village,
New Delhi - 110045.

Workman

Versus

The Director,
Combata Aviation Pvt. Ltd.,
IGI Airport Terminal - II,
Line Maintenance Block - A,
New Delhi - 110037.

Management

APPEARANCES

Workmen namely S/Shri Dinesh Singh
Negi President, Anand Singh Bisht,
General Secretary,
Chander Parkash Treasurer,
Shiv Kumar Vice President,
Combata Aviation Karamchari Union with
Shri Deepak Sinha on behalf of the applicant/
Combata Aviation Workers Association.
Shri A.K.Srivastava A/R for the management.

AWARD

The Central Government in the Ministry of Labour
by its Order No. L-11012/3/2004-I.R.(CM-1) dated 20-6-06

has referred the following industrial dispute to this Tribunal for adjudication:

"Whether the demands of the Combata Aviation Karamchari Union, relating to increase in pay-scale, Dearness Allowances, House rent Allowances, City Compensatory Allowances, Medical Facilities, Leave Travel Concession, Education Allowance, Canteen Facilities & P.L.I. benefits at par with the employees of the Air India and to increase in night allowances and cleaning allowances from Rs. 10 to Rs. 50 per night/day to provide rest room and lockers in the premises, to introduce ad hoc increment to 20% per worker and to pay special increment to senior workers are just, fair and legal? If yes, to what relief are the workman entitled and from what date?"

2. After receipt of reference on completion of pleadings by both the parties claimant and management an application claiming interim relief was filed by the workmen. Case was fixed for disposal of the said application. Both the parties today on 23-10-07 claimant and A/R for the management appeared and filed an application stating therein that the matter has been settled between them amicably vide settlement Ex.A-I. The same be recorded and no dispute award be passed. Shri D.S.Negi President of the Karamchari Union for the claimant made statement that the matter has been settled amicably vide settlement Ex.A-I. and similarly Shri Deepak Sinha A/R for the workmen association made statement that the matter has been settled and No Dispute Award be passed. In view of their statement A No Dispute Award has been passed in terms of settlement Ex.A-I. File be consigned to record room.

Dated 23-10-2007 SANT SINGH BAL, Presiding Officer
ANNEXURE

MEMORANDUM OF SETTLEMENT

Between the Management of Cambata Aviation Private Limited, New Delhi represented by below mentioned signed.

AND

The Cambata Aviation Karamchari Union (Regd.); New Delhi, hereinafter called the "Union" represented by the below mentioned/signed, office bearers of the Union.

Whereas, through the Settlement entered on 1st April, 2003 and valid upto 31st March, 2006 certain benefits were agreed to be granted to the Blue Collar staff (i.e. Technician/Mechanic/Electrician/Operator, Driver, Driver cum Utility Hand, Helper Assistant, Utility Hand cum Sweeper/Watchman, Utility Hand and Utility Hand cum Office Boy) and since then there has been no labour unrest agitation whatsoever of any kind relating to their wage revision.

And whereas after the expiry of earlier Settlement effective 1st April, 2003, and valid upto 31st March 2006, the Union has approached the Management to review the existing monetary benefits of Blue Collar staff. The Management in wider interest of the Company and whilst

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taking into consideration the financial constraints, has considered the Union's request to review the existing pay structure of Blue Collar staff.

Accordingly, various issues were discussed at length in the meeting held with the Union's representatives on 13th September 2007, and the parties mentioned herein have agreed to the following benefits for the Blue Collar staff. The increase will be applicable with effect from 1st April, 2006 to staff who had been confirmed as on 1st April, 2006.

- (1) For redeeming and improving the financial earnings of Blue Collar staff, there shall be no change in their categorization based on their length of service which is in practice, as on date, i.e.:
 - (a) 1 - 5 years of service
 - (b) 6 - 12 years of service
 - (c) 13 - 20 years of service
 - (d) Above 20 years of service
- (2) There shall be increase in the Basic Salary and Allowances of the Blue Collar staff according to the length of the service mentioned above. The categorywise increase in the Basic salary and House Rent Allowance shall be given as per detailed in "Annexure A" (Page #4) to this settlement.
- (3) There shall be an increase in Leave Travel Assistance, Attendance Allowance, Meal Allowance, Tea/Coffee Allowance, Night Shift Allowance, Cleaning Allowance, Annual Attendance Bonus (Incentive) and Overtime Ceiling, as detailed in "Annexure B" (Page # 5) to this settlement.
- (4) The existing practice of giving Shoe Allowance to Blue Collar staff shall be discontinued with effect from April, 2008 and instead, the Management shall provide them Safety Shoes as per the mandatory requirement of various airlines as also in the interest of their overall safety.
- (5) Further, the Management agrees to give financial assistance upto a maximum of Rs. 1500/- per year to Blue Collar staff towards Mediclaim Policy effective 1st April 2007, subject to verification of the policy in the staff's name and upon submission of a true and correct copy of the policy to the Personnel Dept. of the Company for record and reimbursement of the amount to the concerned employee.
- (6) Categorywise increase of Annual Increment shall remain unchanged.
- (7) Salaries etc. for all the Blue Collar staff will be deposited into their individual bank account at the Axis Bank Branch located at WZ-24 A, Palam Colony, New Delhi - 110045 by the 7th day of every month.
- (8) Overtime shall be payable at 1% of the basic salary (including DA+VDA) or to a maximum of Rs. 90/- per hour, whichever is applicable.
- (9) It is agreed that there shall be no change of service rules/service conditions that have already been in practice or amended earlier to this Settlement except those as may become applicable on certification of the draft Standing Orders filed by the Management before the competent authority under the provisions of the Industrial Employment (Standing Orders) Act, 1946 and the Rules framed thereunder.
- (10) In consideration whereof, the Union assures the Management and undertakes that henceforth the Blue Collar staff shall not jointly and/or severally claim any other benefit or raise any dispute relating to their service conditions whatsoever and shall also not raise any fresh demands having financial implications during the currency of this Settlement. The Union further agrees and assures that the above Settlement shall be applicable to Blue Collar staff and/or any individual Blue Collar staff who is presently in the employment of the Management as on the date of execution of this Settlement and also to any individual who may join hereinafter and further any outsider or any agency/body will not be allowed by the Blue Collar staff to claim the right to represent them and/or the right to challenge, seek, modify or amend any provision of this Settlement.
- (11) The Union further agrees that this Settlement will be in full and final Settlement of the Industrial Disputes raised by them pertaining to (1) Charter of Demands and (2) provision of staff canteen and medical facilities to the staff which are, at present, sub-judice for adjudication before Mr. S. S. Bal, Presiding Officer, Central Government Industrial Tribunal and Labour Court located at Trikut Bhawan, 11th Floor, Bhikaji Cama Place, R.K. Puram, New Delhi 110022 vide I.D. No. 22/2006 and I.D. No. 33/2005.
- (12) The Union also agrees and undertakes that they shall file a copy of this Settlement in the above-mentioned Court requesting the Presiding Officer to pass in view of this settlement a "No Dispute Award" in the above-mentioned cases.
- (13) This settlement shall be subject to approval and passing of no dispute award, by the Hon'ble Central Government Industrial Tribunal and Labour Court, New Delhi, as mentioned above and shall be valid and applicable for a period of 3 (three) years w.e.f. April 1, 2006 to March 31, 2009. It is further agreed that no revision in this three years' Settlement will be made due to increase of business.

ANNEXURE "A"

CATEGORYWISE INCREASE OF BASIC SALARY AND HOUSE RENT ALLOWANCE

BLUE COLLAR STAFF i.e. Technician/Mechanic/Electrician/Operator, Driver, Driver cum Utility Hand, Helper Assistant, Utility Hand cum Sweeper/Watchman, Utility Hand, Utility Hand cum Office Boy

LENGTH OF SERVICE

	1-5 YRS	6-12 YRS	13-20 YRS	Above 20 YRS								
	Apr-2006	Apr-2007	Apr-2008	Apr-2006	Apr-2007	Apr-2008	Apr-2006	1/4/2007	Apr-2008	Apr-2006	Apr-2007	Apr-2008
	Mar-2007	Mar-2008	Mar-2009	Mar-2007	Mar-2008	Mar-2009	Mar-2007	Mar-2008	Mar-2009	Mar-2007	Mar-2008	Mar-2009
Basic	+1020	+200	+200	+1080	+210	+210	+1140	+220	+220	+1200	+230	+230
HRA	+680	+140	+140	+720	+140	+140	+760	+150	+150	+800	+160	+160

w. e. f. 1st April, 2006

ANNEXURE "B"

ANNUAL INCREASES PAYABLE

BLUE COLLAR STAFF

	Existing GRI/GR I	Others	Increase	Total GR II/GR I	Others
Meal Allowance (Per Month)	350/-	635/-	+125/-	475/-	760/-
Tea/Coffee Allowance (Per Month)	200/-	200/-	+50/-	250/-	250/-
Attendance Allowance (incentive)(Per Month)	350/-	500/-	+50/-	400/-	550/-
Night Shift Allowance (Per Night)	10/-	10/-	+5/-	15/-	15/-
Overtime Ceiling (Per Hour)	80/-	80/-	+10/-	90/-	90/-
Cleaning Allowance (Per Day)	20/-	20/-	+5/-	25/-	25/-
Leave Travel Assistance (Per Year)	2500/-	2500/-	+500/-	3000/-	3000/-
Annual Attendance Bonus (Incentive)	2000/-	2000/-	+1000/-	3000/-	3000/-

w.e.f. April 1, 2006

Note :— Attendance Allowance is an incentive which is admissible upon continuous presence and timely reporting on duty allocated besides the existing practice/condition.

This Memorandum of Settlement is made and signed on this 4th day 1 October 2007.

For and on behalf of the
Cambata Aviation Karmchari Union (Regd.)

For and on behalf of the
Management

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नई दिल्ली, 6 नवम्बर, 2007

AWARD

का.आ. 3385.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार संकर केमिकल लाईम, तिरुनेलवेली के प्रबंधन के संबंध नियोक्ताओं और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय चेन्नई के पंचाट (संदर्भ संख्या आई. डी. 43/2007) को प्रकाशित करती है, जो केन्द्रीय सरकार को 6-11-2007 को प्राप्त हुआ था।

[सं. एल-29011/6/2007 आइ आर(एम.)]

एन. एस. बोरा, डेस्क अधिकारी

New Delhi, the 6th November, 2007

S.O. 3385.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. I.D. 43/2007) of the Central Government Industrial Tribunal/Labour Court Chennai now as shown in the Annexure in the industrial dispute between the employers in relation to the management of Sankar Chemical Lime, Tirunelveli and their workman, which was received by the Central Government on 06-11-2007.

[No. L-29011/6/2007-IR(M)]

N. S. BORA, Desk Officer

ANNEXURE

**BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT
CHENNAI**

Wednesday, the 29th August, 2007

PRESENT:**K. JAYARAMAN, Presiding Officer****INDUSTRIAL DISPUTE No. 43/2007**

[In the matter of the dispute for adjudication under clause (d) of sub-section (1) and sub-section 2(A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947), between the Management of Sankar Chemical Lime, Tirunelveli and their workmen]

BETWEEN

The General Secretary	:	I Party/
Cement & Quarry Workers Union	:	Petitioner
173-E, Madurai Road,	:	Union
Sankar Nagar Post-627357	:	

Vs.

The Partner	:	II Party/
Sankar Chemical Lime	:	Respondent
Tirunelveli	:	

APPEARANCE:

For the Petitioner : None

For the Management : Sri S. Jayaraman, Advocate

The Central Government, Ministry of Labour vide its Order No. L-29011/6/2007 [IR(M)] dated 16-7-2007 referred the following Industrial Dispute to this Tribunal for adjudication.

The schedule mentioned in that order is :

“Whether the allegations of Cement & Quarry Workers Union on the transfer of Mines Workmen to factory against the provisions of Standing Orders of Sankar Chemical Lime is legal and justified. If not, to what relief is the workman is entitled?”

2. After the receipt of Industrial Dispute, this Tribunal has numbered it as ID 43/2007 and issued notices to both sides. Both sides entered through their representative and advocates respectively.

3. On behalf of the petitioner union, the Secretary of the petitioner union filed a memo stating the issue involved in this matter is whether the action of the Respondent/Management in passing orders against the provisions of standing orders by transferring the mines workmen to the factory is justified or not? After raising the dispute, the concerned workmen have gone out of the service and therefore there is no necessity to proceed with the dispute and as such the petitioner union prays that this dispute may be disposed off on the ground as withdrawn. The learned counsel for the Respondent/Management has also stated that since the petitioner union has stated that the matter may be disposed of as withdrawn, there is no necessity to proceed with the trial.

4. Under such circumstances, the point of determination is :

(i) To what relief the workmen concerned are entitled to ?

5. This dispute was raised by the petitioner union on the ground the Respondent/Management has transferred some of the mines workmen to the factory against the provisions of the standing orders and therefore, it is not legal and justified. But subsequently, the petitioner union filed a memo stating that the workmen have gone out of the service and therefore there is no necessity to proceed with the enquiry in the circumstances and petitioner union also prays that the matter may be disposed as not pressed. The Respondent Management also has not objected the same and therefore, I find this dispute is to be dismissed as the petitioner union has no interest to proceed with the enquiry. Therefore, this dispute is dismissed as withdrawn and without any cost.

6. Thus, the reference is answered accordingly.

(Dictated to the P. A., transcribed and typed by him, corrected and pronounced by me in the open court on this day the 29th August, 2007)

K. JAYARAMAN, Presiding Officer

Witnesses Examined :—

For the I Party/Petitioner : None
 For the II Party/Management : None

Documents Marked :—**From the Petitioner's side**

Ex. No.	Date	Description
	Nil	

From the Management side:

Ex. No.	Date	Description
	Nil	

नई दिल्ली, 6 नवम्बर, 2007

का.आ. 3386.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एयरपोर्ट अथोरिटी ऑफ इंडिया, सालेम के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय चेन्नई के पंचाट (संदर्भ संख्या आई. डी. सं.-41/2007) को प्रकाशित करती है, जो केन्द्रीय सरकार को 6-11-2007 को प्राप्त हुआ था।

[सं. एल-11012/2/2007-आई आर(एम.)]

एन. एस. बोरा, डेस्क अधिकारी

New Delhi, the 6th November, 2007

S.O. 3386.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. I.D. 41/2007) of the Central Government Industrial Tribunal/Labour Court, Chennai now as shown in the Annexure in the industrial dispute between the employers in relation to the management of Airport Authority of India, Salem and their workman, which was received by the Central Government on 6-11-2007.

[No. L-11012/2/2007-IR(M)]

N. S. BORA, Desk Officer

ANNEXURE

**BEFORE THE CENTRAL GOVERNMENT
 INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT,
 CHENNAI**

Wednesday, the 19th Sept., 2007

PRESENT:**K. JAYARAMAN, Presiding Officer****INDUSTRIAL DESPUTE No. 41/2007**

[In the matter of the dispute for adjudication under clause (d) of sub-section (1) and sub-section 2(A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947), between the Management of Airport Authority of India and their workman]

BETWEEN

Sri S. A. Palanisamy	:	I Party/
S/o Sri Ammasi Gounder		Petitioner
Pudukadai, Chakarai Chettipatti P.O.		
Omalur Taluk,		
Salem		

Vs.

The Airport Officer,	:	II Party/
Airport Authority of India Ltd.,		Respondent
Salem Airport, Kamalapuram Post,		
Omalur Taluk,		
Salem Distt.		

APPEARANCE:

For the Petitioner : Sri P. K. Parameswaran

For the Management : None

AWARD

The Central Government, Ministry of Labour vide its Order No. L-11012/2/2007/IR(M) dated 9-7-2007 referred the following Industrial Dispute to this Tribunal for adjudication.

The schedule mentioned in that order is :

“Whether the action of the management of Airport Authority of India in not regularizing the services of Sri S. A. Palanisamy is legal and justified. If not, to what relief is the workman entitled for?”

2. After the receipt of Industrial Dispute, this Tribunal has numbered it as ID 41/2007 and issued notices to both sides. After that the petitioner entered through his Advocate and filed claim statement and on the other hand, the Respondent has not appeared either personally or through their representative even after two notices and he was set exparte.

3. The allegation in the claim statement/memo of objection are briefly as follows :

The petitioner was appointed as watch and ward by one, New Everest Security Services in the year 1994 and the work was allotted by the Respondent/Management. But the petitioner signed in the attendance register maintained by the Respondent and also getting the salary from the Respondent/Management. The petitioner and 9 others thus employed by the contractor were under the impression that the contract would be renewed every year but to their surprise the contract of the contractor which was expired in the year 1998 was not renewed. The petitioners fearing of their termination have filed a Writ Petition before the Hon'ble High Court which was numbered as WP No. 2719, 3407 of 1998 and in that Hon'ble High Court directed the Respondent that they should provide work to the petitioner and other 9 persons and also further directed that they should be regularized in the services. After that the Respondent/Management has called the petitioner and other workers and report for duty on contract basis by its Order No. AAI/NAD/SM/EB. 15/331 dated 21/22-9-1998. The work allotted to the petitioner and others is not only watch and ward but also the preliminary nature of work and the work is perennial in nature which is very essential and without which at the Airport Operation of landing and, taking of flights cannot be possible. While so, on 18-3-2005, the petitioner was not permitted to enter into the Airport and not even permitted to meet the Airport Officer. The petitioner was not given any notice by oral or

written before such termination of his services and the Respondent has also employed certain other workers for doing the same work in the Airport. This action of the Respondent is illegal, nonest in law. They have also issued a letter to the petitioner to vacate the quarters immediately. The petitioner learnt that the Respondent/Management had preferred an appeal against the orders of the Writ Petition and it had obtained an order in their favour by concealing the real facts. Now the action of the Respondent in terminating the services of the petitioner is illegal and against the mandatory provisions of the Industrial Disputes Act. Therefore, the petitioner prays this Tribunal to reinstate him in service with back-wages from the date of termination viz. 18.03.2005 and to regularize the services of the petitioner in the Respondent/Management and also for consequential benefits.

4. As already pointed out, the Respondent has not appeared before this Tribunal even after 2 notices, therefore, the Respondent was set ex-parte and an award is passed by this Tribunal with the memo of objection filed by the petitioner.

Points for determination are :

- (i) Whether the action of the management of Airport Authority of India in not regularizing the service of Sri S.A. Palanisamy is legal and justified?
- (ii) To what relief is the workman entitled to?

Point No. 1

5. The petitioner alleged that he was appointed as watch and ward by New Security Services, a contractor under the Respondent/Management during the year 1994 and he further alleged that he and 9 others were appointed as such in the first Respondent/Management though he entered into contract with the said contractor, it is only the Respondent has paid the salary and the Respondent Officers, have given instructions to do the work. During the year 1998, when the petitioner came to know that the contract was not extended to the New Everest Security Services, and fearing of termination he and other 9 workers have filed a Writ Petition before the Hon'ble High Court in WP No. 2719, 3407 of 1998 for regularizing their services in the Respondent/Management. In that WP, the Hon'ble High Court has directed the Respondent/Management to absorb the petitioner and 9 others in the employment of the Respondent/Management and in view of the order passed by the Hon'ble High Court, the Respondent/Management called the petitioner and other workers to report for duty *vide* its Order No. Airport Authority of India/NAD/SM/EB.15/32 dated 21/22-9-1998. It is his further contention that he and other workers joined the duty and they have worked as per the instructions of the Officers of the Respondent/Management but they have not been confirmed by the Respondent/Management. It is his contention that even though he was appointed as watch and ward, the work done by the petitioner and others are perennial in nature and they are very essential and without of which, the Airport Operation of landing and taking of flights would not be possible. It is his further

contention that while so on 18-3-2005, the Respondent/Management without any notice or notice of termination, has not permitted the petitioner and others to enter into the premises. Thus the Respondent/Management has terminated the services of the petitioner and others. The action of the Respondent/Management in terminating the services of the petitioner and others is illegal and void abinitio. The Respondent/Management has not followed the mandatory provisions of the Section 25(F) of the Industrial Disputes Act. Hence they have raised a dispute before the labour authorities and on its failure of conciliation, the matter was referred to this Tribunal.

6. The learned counsel of the petitioner contended the action of the Respondent/Management for terminating the services of the petitioner is illegal and against the provisions of the Industrial Disputes Act. Even before this Tribunal, the Respondent has not appeared before this Tribunal to deny the allegations of the petitioner and as such an award is to be passed against the Respondent/Management. I find much force in the contentions of the learned counsel of the petitioner. Further, the petitioner has filed a copy of the order dated 21/22-9-98 issued by the Respondent/Management asking the petitioner to report for duty. He has also filed the copy of the order of the Writ Petition Nos. 2719 and 3407 to 3413 of 1998 dated 19-6-1998 wherein the petitioner and others have filed a Writ Petition against the Respondent/Management. Since the Respondent has not appeared before this Court and not filed any objection against the allegations of the petitioner and remained ex-parte. I find the contention of the petitioner is to be believed. As such I find this point in favour of the petitioner.

Point No. 2

In view of my foregoing findings, I find the petitioner is entitled to reinstatement in service. Further the Respondent is directed to regularize the petitioner in the service of the Respondent/Management. The petitioner is also entitled to consequential benefits.

8. Thus, the reference is answered accordingly.

(Dictated to the P.A., transcribed and typed by him, corrected and pronounced by me in the open court on this day the 19th September, 2007)

K. JAYARAMAN, Presiding Officer

Witnesses Examined :—

For the I Party/Petitioner	:	None
For the II Party/Management	:	None

Documents Marked :—

From the Petitioner's side

Ex. No.	Date	Description
	Nil	

From the Management side:

Ex. No.	Date	Description
	Nil	

नई दिल्ली, 6 नवम्बर, 2007

का.आ. 3387.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एयरपोर्ट अथोरिटी ऑफ इंडिया, सालेम के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, चेन्नई के पंचाट (संदर्भ संख्या आई. डी.-42/2007) को प्रकाशित करती है, जो केन्द्रीय सरकार को 6-11-2007 को प्राप्त हुआ था।

[सं. एल-11012/7/2007-आई आर(एम)]

एन. एस. बोरा, डेस्क अधिकारी

New Delhi, the 6th November, 2007

S.O. 3387.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. I.D. 42/2007) of the Central Government Industrial Tribunal/Labour Court, Chennai now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Airport Authority of India and their workman, which was received by the Central Government on 06-11-2007.

[No. L-11012/7/2007-IR(M)]

N. S. BORA, Desk Officer

ANNEXURE

**BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT,
CHENNAI**

Wednesday, the 19th September, 2007

PRESENT:**K. JAYARAMAN, Presiding Officer****Industrial Dispute No. 42/2007**

[In the matter of the dispute for adjudication under clause (d) of sub-section (I) and sub-section 2(A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947), between the Management of Airport Authority of India and their workmen]

BETWEEN

Sri R. Ravi, : I Party/
S/o Sri Raman, Petitioner
Masilapalayam P.O.
Madayankuttai Via Muttur
Salem-636452

Vs.

The Airport Officer, : II Party/
Airport Authority of India Ltd., Respondent
Salem Airport, Kamalapuram Post,
Omalar Taluk,
Salem Distt.

APPEARANCE:

For the Petitioner : Sri P. K. Parameswaran
For the Management : None

AWARD

The Central Government, Ministry of Labour vide its Order No. L-11012/7/2007-IR(M) dated 9-7-2007 referred the following Industrial Dispute to this Tribunal for adjudication.

The schedule mentioned in that order is :

“Whether the action of the management of Airport Authority of India in not regularizing the services of Sri R. Ravi is legal and justified. If not, to what relief is the workman entitled for?”

2. After the receipt of Industrial Dispute, this Tribunal has numbered it as ID 42/2007 and issued notices to both sides. After that the petitioner entered through his Advocate and filed claim statement and on the other hand, the Respondent has not appeared either personally or through their representative even after two notices and he was set exparte.

3. The allegations in the claim statement/memo of objection are briefly as follows :

The petitioner was appointed as watch and ward by one, New Everest Security Services in the year 1994 and the work was allotted by the Respondent/Management. But the petitioner signed in the attendance register maintained by the Respondent and also getting the salary from the Respondent/Management. The petitioner and 9 others thus employed by the contractor were under the impression that the contract would be renewed every year but to their surprise the Contract of the contractor which was expired in the year 1998 was not renewed. The petitioners fearing of their termination have filed a Writ Petition before the Hon'ble High Court which was numbered as WP No. 2719, 3407 of 1998 and in that Hon'ble High Court directed the Respondent that they should provide work to the petitioner and other 9 persons and also further directed that they should be regularized in the services. After that the Respondent/Management has called the petitioner and other workers and report for duty on contract basis by its Order no. AAI/NAD/SM/EB.15/329 dated 21/22-9-1998. The work allotted to the petitioner and others is not only watch and ward but also the preliminary nature of work and the work is perennial in nature which is very essential and without which at the Airport Operation of landing and taking of flights cannot be possible. While so, on 18-3-2005, the petitioner was not permitted to enter into the Airport and not even permitted to meet the Airport Officer. The petitioner was not given any notice by oral or written before such termination of his services and the Respondent has also employed certain other workers for doing the same work in the Airport. This action of the

Respondent is illegal, honest in law. They have also issued a letter to the petitioner to vacate the quarters immediately. The petitioner learnt that the Respondent/Management had preferred an appeal against the orders of the Writ Petition and it had obtained an order in their favour by concealing the real facts. Now the action of the Respondent in terminating the services of the petitioner is illegal and against the mandatory provisions of the Industrial Disputes Act. Therefore, the petitioner prays this Tribunal to reinstate him in service with back-wages from the date of termination viz. 18-03-2005 and to regularise the services of the petitioner in the Respondent/Management and also for consequential benefits.

4. As already pointed out, the Respondent has not appeared before this Tribunal even after 2 notices, therefore, the Respondent was set ex-parte and an award is passed by this Tribunal with the memo of objection filed by the petitioner.

Points for determination are :

- (i) Whether the action of the management Authority of India in not regularizing the Service Sri R. Ravi is legal and justified?
- (ii) To what relief is the workman entitled to?

Point No. 1

5. The petitioner alleged that he was appointed as watch and ward by New Security Services, a contractor under the Respondent/Management during the year 1994 and he further alleged that he and 9 others were appointed as such in the first Respondent/Management though he entered into contract with the said contractor, it is only the Respondent has said the salary and the Respondent Officers have given instructions to do the work. During the year 1998, when the petitioner came to know that the contract was not extended to the New Everest Security Services and fearing of termination he and other 9 workers have filed a Writ Petition before the Hon'ble High Court in WP No. 2719, 3407 of 1998 for regularizing their services in the Respondent/Management. In that WP, the Hon'ble High Court has directed the Respondent/Management to absorb the petitioner and 9 others in the employment of the Respondent/Management and in view of the order passed by the Hon'ble High Court, the Respondent/Management called the petitioner and other workers to report for duty vide its Order No. Airport Authority of India/NAD/SM/EB.15/32 dated 21/22-9-1998. It is his further contention that he and other workers joined the duty and they have worked as per the instructions of the Officers of the Respondent/Management but they have not been confirmed by the Respondent/Management. It is his contention that even though he was appointed as watch and ward, the work done by the petitioner and others are perennial in nature and they are very essential and without of which the Airport Operation of landing and taking of flights would not be possible. It is his further contention

that while so on 18-3-2005, the Respondent/Management without any notice or notice of termination has not permitted the petitioner and others to enter into the premises. Thus the Respondent/Management has terminated the services of the petitioner and others. The action of the Respondent/Management in terminating the services of the petitioner and others is illegal and void abinitio. The Respondent/Management has not followed the mandatory provisions of the Section 25(F) of the Industrial Disputes Act. Hence they have raised a dispute before the labour authorities, and on its failure of conciliation, the matter was referred to this Tribunal.

6. The learned counsel of the petitioner contended the action of the Respondent/Management for terminating the services of the petitioner is illegal and against the provisions of the Industrial Disputes Act. Even before this Tribunal, the Respondent has not appeared before this Tribunal to deny the allegations of the petitioner and as such an award is to be passed against the Respondent/Management. I find much force in the contentions of the learned counsel of the petitioner. Further, the petitioner has filed a copy of the order dated 21/22-9-98 issued by the Respondent/Management asking the petitioner to report for duty. He has also filed the copy of the order of the Writ Petition Nos. 2719 and 3407 to 3413 of 1998 dated 19-6-1998 wherein the petitioner and others have filed a Writ Petition against the Respondent/Management. Since the Respondent has not appeared before this Court and not filed any objection against the allegation of the petitioner and remained ex-parte, I find the contention of the petitioner is to be believed. As such I find this point in favour of the petitioner.

Point No. 2

In view of my foregoing findings, I find the petitioner is entitled to reinstatement in service. Further the Respondent is directed to regularize the petitioner in the service of the Respondent/Management. The petitioner is also entitled to consequential benefits.

8 Thus, the reference is answered accordingly.

(Dictated to the P.A., transcribed and typed by him, corrected and pronounced by me in the open court on this day the 19th September, 2007.

K. JAYARAMAN, Presiding Officer

Witnesses Examined :—

For the I Party/Petitioner	:	None
For the II Party/Management	:	None

Documents Marked :—

From the Petitioner's side

Ex. No.	Date	Description
	Nil	

From the Management side:

Ex. No.	Date	Description
	Nil	